

**SEVENTY-SIXTH DAY**

(Thursday, May 27, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harrington

A quorum was announced present.

Father Joseph B. Courtney, C.S.B., offered the invocation as follows:

"Lord God, Father Almighty, Creator of the beauty and grandeur of this sovereign state, Creator also of every man, woman and child who is a citizen of this State. We convene here today to continue the business of civic affairs—the noble art of man's self-governance.

"Grant your grace, Father, to these Senators, your children, that they may well discharge their sworn responsibilities. Make them well remember that they are the custodians of our hallowed traditions, the guides here today of present public affairs and the custodians of the future, for what they do here today will most certainly determine for well or for ill the days and years ahead.

"Father, Bless these Senators, the Lieutenant Governor, our Governor, all state officials so they may properly perform their work, which ultimately is your work, since they are concerned with man's noblest work—concern for others. We ask this of You in the name of all here present."

On motion of Senator Aikin and by unanimous consent, the reading of

the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Harrington was granted leave of absence for today on account of important business on motion of Senator Mauzy.

**House Bill on First Reading**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 1884, To Committee on Water and Conservation.

**Senate Bill 1040 on First Reading**

The following local bill was introduced, read first time and referred to the Committee indicated:

**By Senator Brooks:**

S. B. No. 1040, A bill to be entitled "An Act to amend the Harris County Road Law, Acts 1913, Thirty-third Legislature, Special Laws, Chapter 17, page 64, as amended, by amending Section 31-C of said Harris County Road Law, which said Section 31-C was added by Acts, 1947, Fiftieth Legislature, Chapter 205, page 358, amended by Acts, 1953, Fifty-third Legislature, Chapter 385, page 924, Acts, 1959, Fifty-sixth Legislature, Chapter 68, page 120, and Acts 1963, Fifty-eighth Legislature, Chapter 369, page 940; providing a severability clause; and declaring an emergency."

To Committee on County, District and Urban Affairs.

**Reports of Standing Committees**

Senator McKool submitted the following reports for the Committee on Privileges and Elections:

S. B. No. 776 (Amended).

H. B. No. 1437 (Amended).

Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1840.

H. B. No. 1491.

H. B. No. 1884.

Senator Kennard submitted the following report for the Committee on Public Health:

H. B. No. 517 (Floor report).

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1722 (Floor report).

S. B. No. 1040 (Floor report).

Senator Connally submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 1864.

Senator Herring submitted the following reports for the Committee on Jurisprudence:

H. B. No. 969 (Floor report).

H. B. No. 728 (Floor report).

H. B. No. 1857.

Senator Blanchard submitted the following report for the Committee on Insurance:

H. B. No. 1273 (Floor report).

Senator Mauzy submitted the following report for the Committee on Education:

H. B. No. 1741 (Floor report).

#### Message From the House

Hall of the House of Representatives

Austin, Texas,

May 27, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the house has passed the following:

The House has concurred in Senate amendments to House Bill No. 156 by non-record vote.

S. B. No. 56, A bill to be entitled "An Act relating to tuition equalization grants for students of certain private colleges and universities in Texas; and declaring an emergency."

(With amendments.)

S. J. R. No. 29, Proposing an amendment to Article XVI, Sections 33 and 40, Constitution of the State of Texas, to prohibit the payment of any state funds to any person who shall hold more than one civil office of emolument, and providing for ex-

emption of certain offices from the ban of dual office holding, and permitting state employees, who are not state officers, to serve as members of the governing body of school districts, cities, or towns, without forfeiting their salary for their state employment.

(With amendments.)

S. C. R. No. 123, Recalling S. B. No. 902 for corrective purposes.

The House has adopted the Conference Committee Report on Senate Bill 442 by a vote of 108 ayes, 11 noes, 25 present not voting.

S. B. No. 51, A bill to be entitled "An Act providing for a system of quadrennial voter registration, with provisions for renewal of registration for the succeeding quadrennium; containing penal provisions; amending the Texas Election Code; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 168, A bill to be entitled "An Act relating to optional coverage of certain state and district officers within the Texas County and District Retirement System; etc.; and declaring an emergency."

S. B. No. 549, A bill to be entitled "An Act relating to developmental leaves of absence for professional public school personnel; etc.; and declaring an emergency."

S. B. No. 580, A bill to be entitled "An Act relating to extraterritorial jurisdiction and annexation powers of cities; amending Section 7, Article I, Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes); and declaring an emergency."

(With amendments.)

S. B. No. 709, A bill to be entitled "An Act relating to creation of the Texas Ranger Commemorative Commissions; and declaring an emergency."

S. B. No. 748, A bill to be entitled "An Act relating to the sale and reproduction for sale of a sound recording that is reproduced without the consent of the producer of the original recording; providing penalties for violation; and declaring an emergency."

(With amendments.)

S. B. No. 918, A bill to be entitled "An Act defining the word 'premise' in connection with the sale of alcoholic beverages; etc.; and declaring an emergency."

S. B. No. 918, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to acquire by donation the facilities of the Houston Speech and Hearing Center; etc.; and declaring an emergency."

S. B. No. 953, A bill to be entitled "An Act validating the incorporation of all cities and towns of more than 600 and less than 2,000 inhabitants, heretofore incorporated or attempted to be incorporated under general laws of Texas under the Commission form of government; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 969, A bill to be entitled "An Act amending Statutes by adding a Section 21A relating to residential leases of certain Indian land to members of the Alabama and Coushatta Tribes; and declaring an emergency."

S. C. R. No. 108—Granting permission to Bettye Baldwin to bring suit against the State of Texas.

(With amendment.)

The House refused to concur in Senate amendments to House Bill No. 952 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Semos, Garcia, Von Dohlen, Jones of Taylor, Kost.

The House has concurred in Senate amendments to H. C. R. No. 134 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 628 by non-record vote.

All necessary rules suspended, and the Conference Committee report on House Bill No. 1596 adopted by a vote of 149 Ayes, 0 Noes.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate

Bill No. 146. House Conferees: Hale, Nugent of Kerr, Shannon, Pickens, Newton.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives  
Senate Resolution 1398

Senator Bernal offered the following resolution:

S. R. No. 1398—Providing for the creation of a Committee on Public Junior Colleges.

BERNAL  
CONNALLY  
WALLACE  
KOTHMANN  
BROOKS  
BECKWORTH  
McKOOL  
MAUZY  
SCHWARTZ  
WILSON

The resolution was read and was referred to the Committee on Administration.

#### House Bill 266 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 266, A bill to be entitled "An Act amending the subject matter of the Texas Unemployment Compensation Act, etc., and declaring an emergency."

The bill was read second time.

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 266, by striking all below the enacting clause and substituting therefor the following:

Section 1. That Subsection (b) of Section 3 of the TUC Act (Art. 5221b-1(b), V.T.C.S.), as last amended by Section 1, Chapter 287, Acts of the 60th Legislature, 1967, which Section sets out the benefit amount for total unemployment which an individual shall receive under this Act, and Subsection (e) of Section 3 of the TUC Act as added by Section 3, Chapter 18, Acts of the 57th Legislature, 1st Called Session, 1961, (Art. 5221b-1(e), V.T.C.S.),

and defining "benefit wage credits" are amended to read as follows:

"(b) Benefit Amount for Total Unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1); and

"(2) Such rate shall not be less than Fifteen Dollars (\$15) per benefit period nor more than a dollar amount equal to sixty-six and two-thirds percent (66 2/3%) of the statewide average weekly wage paid in employment by employers as determined from time to time by the Commission.

"(e) Benefit Wage Credits: 'Wages' as used in this Section shall be as defined in subsection (n) of Section 19 of this Act, except that the four-thousand-two-hundred-dollar limitation on wages as set out in subsection (n) (1) of Section 19 shall not be applicable for the purposes of this Section 3 to remuneration received after December 31, 1971; and it is further provided that for the purposes of this Section 3 wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code), as amended, or as it may hereafter be amended. If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission."

Section 2. Section 4, Texas Unemployment Compensation Act, as amended (Article 5221b-2, Vernon's Texas Civil Statutes), is amended by amending Subsection (d) to read as follows:

"(d) He is available for suitable work;"

Section 3. Section 4, Texas Unemployment Compensation Act, as amended (Article 5221b-2, Vernon's Texas Civil Statutes), is amended by repealing Subsection (f).

Section 4. The Texas Unemployment Compensation Act, as amended (Article 5221b-1, et seq., Vernon's Texas Civil Statutes), is further amended by adding Section 4-A to read as follows:

#### "PROHIBITIONS AGAINST DENIAL OF BENEFITS AND UNEQUAL TREATMENT

##### "Section 4-A.

"(a) Benefits shall not be denied to an individual because he is in training with the approval of the Commission, nor shall such individual be denied benefits with respect to any benefit period in which he is in training with the approval of the Commission by reason of the application of provisions in this Act relating to availability for work, active search for work, or refusal to apply for, or a refusal to accept, suitable work. Approval of training shall be in accordance with rules prescribed by the Commission.

"(b) Benefits shall not be denied or reduced to an individual solely because he files a claim in another state (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another state (or such a contiguous country) at the time he files a claim for unemployment compensation.

"(c) Equal Treatment: Benefits based on services for all employers in employment defined in Subsection 19(f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or insti-

tutions of higher education for both such academic years or both such terms."

Section 5. That Subsection (a) of Section 5 of the TUC Act (Art. 5221b-3, V.T.C.S.), providing disqualifications for benefits, last amended by Section 5, Chapter 18, Acts of the 57th Legislature, 1961; that Subsection (f) of Section 5 of the TUC Act, added by Chapter 2, Acts of the 46th Legislature, 1939 (S. B. 21) are hereby amended to read as follows:

"(a) If the Commission finds that he has left his last work voluntarily without good cause connected with his work. Such disqualifications shall be for not less than one (1) nor more than thirteen (13) benefit periods following the filing of a valid claim, as determined by the Commission according to the circumstances in each case.

"(f) In determining the number of benefit periods during which any individual is entitled to receive benefits in a benefit year, the Commission shall deduct any period of disqualification as provided in Subsections (a), (b), and (c) of this Section from the total number of benefit periods during which he would otherwise be entitled to receive benefits except for such disqualification; provided, that in no case shall the number of benefit periods so deducted exceed the number of benefit periods during which the claimant is then eligible to receive benefits except for such disqualification; and provided further that in no event shall a disqualification imposed under Subsections (a) or (c) of this Section amount to a total reduction of claimant's benefit rights in his benefit year."

Section 6. That Subsection (g) of Section 5 of the TUC Act, added by Chapter 200, Acts of the 48th Legislature, 1963, is hereby repealed.

Section 7. The Texas Unemployment Compensation Act, as amended (Articles 5221b-1 et seq.; Vernon's Texas Civil Statutes), is amended by adding a Section 6-A to read as follows:

#### "EXTENDED BENEFITS

##### "Section 6-A.

"(a) Definitions: As used in this Section, unless the context clearly requires otherwise:

"(1) 'Extended benefit period' means a period which:

"(A) begins with the third (3rd) week after whichever of the following weeks occurs first:

"(i) a week for which there is a national 'on' indicator, or

"(ii) a week for which there is a State 'on' indicator; and

"(B) ends with either of the following weeks, whichever occurs last:

"(i) the third (3rd) week after the first (1st) week for which there is both a national 'off' indicator and a State 'off' indicator, or

"(ii) the thirteenth (13th) consecutive week of such period;

"Provided, that no extended benefit period may begin by reason of a State 'on' indicator before the fourteenth (14th) week following the end of a prior extended benefit period which was in effect with respect to this State; and

"Provided further, that no extended benefit period may begin with a week beginning before January 1, 1972.

"(2) There is a national 'on' indicator for a week, if the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths per cent (4.5%).

"(3) There is a national 'off' indicator for a week if the United States Secretary of Labor determines that, for each of the three (3) most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths per cent (4.5%).

"(4) There is a State 'on' indicator for this State for a week if the Commission determines in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this Act:

"(A) equaled or exceeded one hundred and twenty per cent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, and

"(B) equaled or exceeded four per cent (4%).

"(5) There is a State 'off' indicator for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that, for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this Act:

"(A) was less than one hundred and twenty per cent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, or

"(B) was less than four per cent (4%).

"(6) 'Rate of insured unemployment', for purposes of paragraphs (4) and (5) of this subsection, means the percentage derived by dividing:

"(A) the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Commission on the basis of the Commission's reports to the United States Secretary of Labor, by

"(B) the average monthly employment covered under this Act for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such 13-week period.

"(7) 'Regular benefits' means benefits payable to an individual under this Act or under any other state law (including benefits payable to federal civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85) other than extended benefits.

"(8) 'Extended benefits' means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. Chapter 85) payable to an individual under the provisions of this Section for benefit periods of unemployment in his eligibility period.

"(9) 'Eligibility period' of an individual means the period consisting of the benefit periods in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any benefit periods thereafter which begin in such period.

"(10) 'Exhaustee' means an individual who, with respect to any bene-

fit period of unemployment in his eligibility period:

"(A) has received, prior to such benefit period, all of the regular benefits that were available to him under this Act or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. Chapter 85) in his current benefit year that includes such benefit period;

"Provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wage credits that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits, or

"(B) had a benefit year that expired prior to such benefit period and has no, or insufficient, wage credits on the basis of which he could establish a new benefit year that would include such benefit period; and

"(C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, or such other federal laws as are specified in regulations issued by the United States Secretary of Labor, and

"(ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

"(11) 'State law' means the unemployment compensation law of any state that is approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

"(b) Effect of State Law Provisions Relating to Regular Benefits on Claims for, and the Payment of, Extended Benefits: The provisions of this Act, and the rules or regulations of the Commission which apply to claims for, and the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits except

when the result would be inconsistent with the other provisions of this Section.

"(c) Eligibility Requirements for Extended Benefits: An individual shall be eligible to receive extended benefits with respect to any benefit period of unemployment in his eligibility period only if the Commission finds that with respect to such benefit period:

"(1) he is an 'exhaustee' as defined in subsection (a)(10) of this Section, and

"(2) he satisfies the requirements of this Act for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

"(d) Weekly Extended Benefit Amount: The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

"(e) Total Extended Benefit Amount: The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be not less than whichever of the following is the least: fifty per cent (50%) of the total amount of regular benefits which were payable to him under this Act in his applicable benefit year or thirteen times his weekly benefit amount which was payable to him under this Act for a week of total unemployment in the applicable benefit year.

"(f) (1) Beginning and termination of extended benefit period: Whenever an extended benefit period is to become effective in this State (or in all states) as a result of a State or a national 'on' indicator, or an extended benefit period is to be terminated in this State as a result of State and national 'off' indicators, the Commission shall make a public announcement thereof in accordance with rules prescribed by the Commission.

"(2) Computations required by the provisions of subsection (a)(6) of this Section shall be made by the Commission in accordance with regulations prescribed by the United States Secretary of Labor.

"(g) Financing:

"(1) Extended benefits shall be paid from the Unemployment Compensation Fund.

"(2) Payments made by the Federal Government for its share of extended benefits shall be deposited into the Unemployment Compensation Fund.

"(3) Fifty per cent (50%) of the extended benefit payments based on wage credits from a reimbursing employer shall be charged to the account of such employer and reimbursed by such employer in the same manner as regular benefit payments, and such payments shall not be used in determining the replenishment ratio provided for in subsection 7(c)(5) of this Act.

"(4) Fifty per cent (50%) of extended benefit payments based on wage credits from a taxed employer shall be deemed chargebacks and charged to the account of such employer and used in determining the benefit ratio of such employer unless it was determined that chargebacks were not to be made against the account of the employer when regular benefits with respect to an individual were paid. Fifty per cent (50%) of extended benefit payments based on wage credits from a taxed employer (whether or not charged to an employer) shall be used in the numerator of the replenishment ratio. Chargebacks resulting from the payment of extended benefits shall be used in the denominator of the replenishment ratio.

"(5) When a taxed base period employer is notified of a claim for benefits under subsection 7(c)(2) of this Act, such notice shall state that if the claim results in the payment of extended benefits, the maximum potential chargeback may be increased by as much as twenty-five per cent (25%). No further notice of potential chargeback regarding extended benefit payments need be given to a taxed base period employer when the extended benefits are paid."

Sec. 8. Paragraph (5), Subsection (c), Section 7, Texas Unemployment Compensation Act, as amended (Articles 5221b-5, Vernon's Texas Civil Statutes), is amended to read as follows:

"(5) the replenishment ratio for a calendar year is a quotient, stated to the nearest hundredth, derived from the following numerator and denominator.

"The numerator of the replenishment ratio shall be the total amount of benefits paid from the Unemployment Compensation Fund during the twelve (12) months ending September 30, of the preceding year, that are based on wage credits from taxed employers, less for the same period:

"(A) the total amount of refunds of regular benefits that were based on wage credits from taxed employers and fifty per cent (50%) of the refunds of extended benefits that were based on wage credits from taxed employers, and

"(B) the total amount of regular benefit warrants canceled that were based on wage credits from taxed employers and fifty per cent (50%) of the extended benefit warrants canceled that were based on wage credits from taxed employers, and

"(C) fifty per cent (50%) of the extended benefits paid that were based on wage credits from taxed employers.

"The denominator of the replenishment ratio shall be the total amount of chargebacks to the accounts of all taxed employers during the twelve (12) months ending September 30, of the preceding year.

"The replenishment ratio for each calendar year shall be determined prior to the due date of the first contribution payment with respect to wages for employment paid in that year and such replenishment ratio thus determined shall not be affected or revised by virtue of any subsequent adjustment of any chargebacks of any employer.

Sec. 9. The Texas Unemployment Compensation Act, as amended (Article 5221b-5 et seq., Vernon's Texas Civil Statutes), is amended by adding a Section 7-A to read as follows:

#### "REIMBURSEMENTS

##### "Section 7-A.

"(a) Reimbursing Employers: Payments in lieu of contributions shall be made in accordance with the provisions of this Section. An employer making payments in accordance with this Section shall be referred to as a 'reimbursing employer' and such payments shall be referred to as 'reimbursements.'

"(b) Payments by a Reimbursing Employer: At the end of each calendar quarter the Commission shall bill each reimbursing employer for an

amount equal to the amount of the regular benefits plus one-half ( $\frac{1}{2}$ ) of the amount of the extended benefits paid during such quarter which are attributable to service in the employ of such employer, and reimbursements shall be paid by the reimbursing employer to the Commission for the fund in accordance with such rules as the Commission may prescribe.

"(c) Allocation of Benefit Costs: Each employer that is liable for reimbursements shall pay to the Commission for the fund the amount of the regular benefits plus the amount of one-half ( $\frac{1}{2}$ ) of the extended benefits paid which are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one (1) employer and one (1) or more of such employers are liable for reimbursements, the amount payable to the fund by each such employer that is liable for reimbursements shall be determined in accordance with the provisions of the following subparagraph (1) or subparagraph (2):

"(1) Proportionate Allocation (When Fewer Than All Base Period Employers Are Liable for Reimbursements): If benefits paid to an individual are based on wage credits paid by one (1) or more employers who are liable for reimbursements and on wage credits paid by one (1) or more employers who are liable for contributions, the amount of reimbursement payable by each employer that is liable for reimbursement shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wage credits paid to the individual by such employer bears to the total base period wage credits paid to the individual by all of his base period employers.

"(2) Proportionate Allocation (When All Base Period Employers Are Liable for Reimbursement): If benefits paid to an individual are based on wages paid by two (2) or more employers that are liable for reimbursements, the amount of reimbursement payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wage credits paid to the individual by such employer



bears to the total base period wage credits paid to the individual by all of his base period employers.

"(d) Records and Reports: Reimbursing employers shall maintain records and submit reports in accordance with subsection 11(e) of the Act and rules prescribed by the Commission.

"(e) Collections: If any reimbursing employer shall fail to pay reimbursements due under this Act on the date on which they are due and payable, as prescribed by the Commission, or if any such employer shall fail to submit records and reports as prescribed by the Commission, such employer shall be subject to the provisions set forth in Section 14 of this Act; provided, that where Section 14 refers to contributions due from employers such Section shall be regarded as also referring to reimbursements due from reimbursing employers.

"(f) Waiver of Rights: Reimbursing employers are entitled to the rights and privileges and subject to the duties and responsibilities of all provisions of this Act except the provisions of Section 7. Section 7 shall be inapplicable to reimbursing employers (except where specifically mentioned therein) and an election to become a reimbursing employer shall constitute a waiver of the rights afforded under Section 7 of the Act.

"(g) Continued Liability: All regular benefits paid and one-half ( $\frac{1}{2}$ ) of extended benefits paid which are attributable to service in the employ of a reimbursing employer during the period for which he elected reimbursement pursuant to Section 8 shall be reimbursed by the employer even though the employer may no longer be a reimbursing employer when the benefit payments are made.

"(h) Group Accounts: Two (2) or more reimbursing employers may file a joint application with the Commission for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purpose of this paragraph. Upon approval of the application, the Commission shall establish a group account for such em-

ployers effective as of the beginning of the calendar quarter in which the Commission received the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than two (2) years and thereafter until terminated at the discretion of the Commission or upon application by the group, and such termination shall be effective only at the beginning of the next calendar year. Upon establishment of the account, each member of the group shall be liable for reimbursements with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. Each member of the group shall keep true and accurate employment records and submit such reports as the Commission may require with respect to persons employed by such member. The Commission shall prescribe such rules as may be necessary with respect to the type of records to be kept by and reports to be submitted by groups of employers, applications for the establishment, maintenance and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts of reimbursements that are payable under this paragraph by members of the group and the time and manner of such payments.

"(i) Authority to Terminate Elections: If any non-profit organization is delinquent in making reimbursements as provided under this section, the Commission may terminate such organization's election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year.

"(j) Bond: In the discretion of the Commission, any nonprofit organization (or group of such organizations) that elects to become liable for reimbursements may be required to execute and file with the Commission a

surety bond approved by the Commission. The amount of such bond shall be determined in accordance with rules prescribed by the Commission. The Commission may require adjustments to be made in a previously filed bond if it deems such action appropriate. Failure by any organization covered by such bond to pay the full amount of reimbursements when due, together with any applicable interest and penalties provided for under this Act, shall render the surety liable on such bond to the extent of the bond, as though the surety was such organization. If any nonprofit organization fails to make bond when directed to do so by the Commission, the Commission may terminate such employer's election to make reimbursements as of the beginning of the next taxable year and such termination shall be effective for that and the succeeding taxable year.

"(k) Additional Safeguards: The Commission is authorized to provide such additional safeguards as may be needed to ensure that reimbursing employers pay the reimbursements required under this Section.

"(l) Benefit Payments: Benefits based upon wages earned from a reimbursing employer shall be paid from the fund, but such benefits paid and reimbursements for such benefits shall not be used in computing the replenishment ratio provided for in subsection 7(c)(5) of this Act."

Sec. 10. Section 8, Texas Unemployment Compensation Act, as amended (Article 5221b-6, Vernon's Texas Civil Statutes), is amended to read as follows:

#### "DURATION OF COVERAGE AND ELECTIONS

##### "Section 8.

"(a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

"(b) (1) A nonprofit organization (or group of organizations) as described in Section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under Section 501(a) of such Code and is subject to this Act may file an election to pay reimbursements as provided in Section 7-A of this Act in lieu of paying contributions as provided in Section 7 of this Act. Such election

shall be made within forty-five (45) days after the date notice is mailed to the employer that he is subject to the provisions of this Act. The election will be effective January 1 of the year in which the employer became subject to this Act and such election shall be for a minimum period of two (2) calendar years and cannot be terminated prior to that time, except as provided in subsections 7-A(i) and 7-A(j) of this Act. An election may be withdrawn by a written application by the employer filed with the Commission not later than thirty (30) days prior to the beginning of the year with respect to which the employer wishes to change his method of payment. Thereafter, there must again be a minimum of two (2) calendar years and a timely application filed before the method of payment may again be changed.

"An election to pay reimbursements in lieu of paying contributions will be terminated at any time coverage is terminated under this Act. An employer whose election has been terminated as the result of termination of coverage shall upon again becoming an employer subject to this Act be given an opportunity to file another election to pay reimbursements in lieu of paying contributions under the same terms and conditions described above.

"(2) A political subdivision of the State of Texas may voluntarily elect coverage for not less than two (2) calendar years and such election may be made with respect to (A) all services performed for the political subdivision, or (B) all services performed for all institutions of higher education and all hospitals operated by the political subdivision, or (C) all services performed for one (1) or more separate parts or divisions of the political subdivision and, if such election is made, the employer shall pay reimbursements for benefits as provided in Section 7-A of this Act.

"(3) All elections under Subsections 8(b)(2) of this Act may be terminated after the minimum required period by filing with the Commission a written request for termination not later than thirty (30) days preceding the last day of a calendar year, and such termination shall be effective January 1 of the following year.

"(4) Any employing unit other than one to which subsection 8(b)(1) or

8(b)(2) of this Act is applicable, not otherwise subject to this Act, may voluntarily elect coverage as an employer subject to this Act for a period of not less than two (2) calendar years and shall with the written approval of such election by the Commission become an employer subject hereto to the same extent as all other employers as of the date stated in such approval.

"(5) Any employing unit for which services that do not constitute employment as defined in this Act are performed may file with the Commission a written election that all such services performed by individuals in its employ in one (1) or more distinct establishments or places of business shall be deemed to constitute employment for all purposes of this Act for not less than two (2) calendar years. Upon the written approval of such election by the Commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval and during the period of election.

"(c) (1) No employing unit shall cease to be an employer subject to this Act except as of the first day of January of any calendar year, and only then if such employer files with the Commission, within the period from January 1 through March 31 of such year, a written application for termination of coverage, and the Commission finds that there were no twenty (20) different days within the preceding calendar year, each day being in a different calendar week, during each of which days such employing unit employed one (1) or more individuals in employment subject to this Act and that said employer did not pay any wages in any quarter of the preceding year in the total amount of One Thousand Five Hundred Dollars (\$1,500) or more; provided, that, if the employing unit is an employer subject to this Act under subsection 19(f)(3), the phrase 'four (4) or more individuals' shall be substituted for the phrase 'one (1) or more individuals' in this subparagraph; and provided further, that this subsection has no applicability to an employer subject to this Act under subsection 19(f)(6).

"(2) Regardless of whether or not an application for termination of cov-

erage has been filed, an employing unit shall cease to be an employer subject to this Act as of the first day of January of any year if the Commission finds that the employing unit has not had any individuals in employment on any one (1) or more days within the three (3) immediately preceding consecutive calendar years.

"(d) Any employing unit which is or becomes an employer subject to this Act, and which under the provisions of this Section ceases to be an employer subject to this Act, and subsequent to such time again becomes an employer subject to this Act by reason of any of the provisions thereof, shall upon again becoming an employer subject to this Act be considered a new employer without regard to any rights acquired by it during the time that it had theretofore been an employer."

Sec. 11. Subsection (a), Section 15, Texas Unemployment Compensation Act, as amended (Article 5221b-13, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Waiver of Rights Void: No agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this Act shall be valid, except that an employer's waiver under the terms of subsections 7(c)(7) or 7-A(f) of this Act shall be valid. No agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions or reimbursements, required under this Act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions or reimbursements required from him or require or accept any waiver of any right hereunder by any individual in his employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), or be imprisoned for not more than six (6) months, or both."

Sec. 12. Subsection (b), Section 17A, Texas Unemployment Compensation Act, as amended (Article 5221b-15a, Vernon's Civil Statutes), is amended to read as follows:

"(b) The Commission shall participate in any arrangements for the payment of benefits on the basis of combining an individual's wages and employment covered under this Act with his wages and employment covered under the unemployment compensation laws of other states or the Federal Government, or both, which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of benefits in such situations and which include provisions for:

"(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two (2) or more state unemployment compensation laws, and

"(2) Avoiding the duplicate use of wages and employment by reason of such combining."

Sec. 13. Subsection (d), (f), (g), and (n), Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), are amended to read as follows:

"(d) 'Contributions' means the money payments (taxes) to the State Unemployment Compensation Fund required under Section 7 of this Act. Employers who pay contributions under this Act may be referred to as 'taxed employers.'

"(f) 'Employer' means:

"(1) Any employing unit, other than one to which paragraph (3) or (6) below is applicable, which during any calendar quarter in the current calendar year or the preceding calendar year paid wages of One Thousand Five Hundred Dollars (\$1,500) or more, or on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed at least one (1) individual in employment for some portion of the day;

"(2) Any individual or employing unit which acquired the organization, trade, or business, or substantially all of the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

"(3) Any employing unit which is a nonprofit organization as described in Section 501(c)(3) of the Internal

Revenue Code of 1954 which is exempt from income tax under Section 501(a) of such Code and which on each of some twenty (20) days during the current calendar year or during the preceding calendar year, each day being in a different calendar week, employed four (4) or more individuals in employment for some portion of the day;

"(4) Any employing unit which has elected to become an employer under Section 8 of this Act;

"(5) Any employing unit which is liable for the payment of taxes under the Federal Unemployment Tax Act for the current calendar year;

"(6) The State of Texas, a branch or department thereof, or an instrumentality thereof, including a hospital and an institution of higher education (or a group of such organizations) located in this State and operated by this State or by this State and one or more other states or by an instrumentality thereof for which services are performed which constitute employment; provided that any such hospital or institution shall be a reimbursing employer under the provisions of Section 7-A of this Act;

"(7) Any employing unit not an employer by reason of any other paragraph of this subsection which, as a condition for approval of this Act for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an 'employer' under this Act.

"(g)(1) 'Employment' means any service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, provided that any services performed by an individual for wages shall be deemed to be employment subject to this Act unless and until it is shown to the satisfaction of the Commission that such individual has been and will continue to be free from control and direction over the performance of such services both under his contract of service and in fact. The term 'employment' shall include but shall not be limited to:

"(A) The services of any individual who performs services for remuneration for any person as an agent-driver or commission-driver engaged in distributing meat products, vegetable

products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services for his principal; and

"(B) the services of a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis on the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

"(C) Paragraphs (A) and (B) above are applicable if the contract of service contemplates that substantially all of such services are to be performed personally by such individual; except that services of an individual shall not be included in the term 'employment' under the provisions of this paragraph if such individual has a substantial investment in facilities used in connection with the performance of such services (other than in facilities for transportation), or if the services are in the nature of a single transaction not part of a continuing relationship with the person for whom the services are performed.

"(2) (A) The term 'employment' shall include an individual's entire service performed within or both within and without this State, if the service is localized in this State; or if the service is not localized in any state but some of the service is performed in this State and (i) the base of operations is in this State, or, if there is no base of operations then the place from which such service is directed or controlled is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this State.

"(B) The term 'employment' shall include an individual's entire service within the United States, even though performed entirely outside this State, if, (i) the service is not localized in any state, and (ii) he is one of a class of employees who are required to travel outside this State in performance of their duties, and (iii) his base of operations is in this State, or,

if there is no base of operations then the place from which his service is directed or controlled is in this State.

"(3) (A) Service not covered under paragraph (2) of this subsection and performed entirely without this State, and to which paragraph 3(C), below, is not applicable, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, shall be deemed to be employment subject to this Act if the individual performing such services is a resident of this State and the Commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this Act.

"(B) Services covered by reciprocal agreements authorized by this Act between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this State, shall be deemed to be employment, if the Commission has approved an election of the employing unit for whom such services were performed pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment subject to this Act.

"(C) The term 'employment' shall include any service performed on or in connection with an American vessel or American aircraft which is defined as employment in Section 3306(c) of the Internal Revenue Code of 1954 and which is not excepted from the definition of employment in Section 3306(c)(4) of such Code provided the operating office from which such vessel or aircraft is ordinarily and regularly supervised, managed, directed and controlled is within this State.

"(D) The term 'employment' shall include any service (other than service which is deemed 'employment' under the provisions of subsection (g)(2) and (g)(3) of this Section or the parallel provisions of another state's law) performed after 1971 outside the United States (except in a contiguous country with which the United States has an agreement relat-

ing to unemployment compensation or in the Virgin Islands) by a citizen of the United States as an employee of an American employer, if:

"(i) the employer's principal place of business in the United States is located in this State; or

"(ii) the employer has no place of business in the United States, but:

"(I) the employer is an individual who is a resident of this State; or

"(II) the employer is a corporation which is organized under the laws of this State; or

"(III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any one (1) other state; or

"(iii) none of the criteria of divisions (i) and (ii) of this subparagraph is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this State.

"(E) the term 'American employer' as used in subsection 19(g)(3)(D) of this Act means a person who is:

"(i) an individual who is a resident of the United States;

"(ii) a partnership, if two-thirds ( $\frac{2}{3}$ ) or more of the partners are residents of the United States;

"(iii) a trust, if all of the trustees are residents of the United States; or

"(iv) a corporation organized under the laws of the United States or of any state.

"(F) the term 'United States' as used in subsection 19(g)(3)(D) of this Act includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(G) In the event Texas is the state of jurisdiction for services covered under subsection 19(g)(3)(D) of this Act, said employer shall so notify all employees whose service is defined as 'employment' in this subparagraph.

"(4) Service shall be deemed to be localized within a state, if:

"(A) The service is performed entirely within such state; or

"(B) The service is performed both within and without such state, but

the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

"(5) The term 'employment' shall not include:

"(A) Service with respect to which unemployment compensation is payable under an Unemployment Compensation System established by an Act of Congress; provided that the Commission is hereby authorized to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in subsection 11(b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this Act.

"(B) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

"(C) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) years in the employ of his father or mother;

"(D) Service performed in the employ of a church, convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

"(E) Service performed in the employ of any political subdivision of this State or of any other state, or of any political subdivision thereof, or any instrumentality of any one (1) or more of the foregoing or by one (1) or more other states or political subdivisions; and any service performed in the employ of any instrumentality of one (1) or more other states or political subdivisions to the extent that the instrumentality is with respect to such service, exempt under the Constitution of the United States from the tax imposed by Section 3301 of the Internal Revenue Code of 1954;

"(F) Service performed in the employ of a foreign government (including services as a consular or other officer or employee, or a nondiplomatic representative);

"(G) Service performed in the employ of an instrumentality wholly owned by a foreign government (i) if the service is of a character similar to that performed in foreign countries by the employees of the United States Government or of an instrumentality thereof; and (ii) if the Commission finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

"(H) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to State law; and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to State law;

"(I) Service performed by an individual for a person as an insurance agent or an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

"(J) Service performed by an individual under the age of eighteen (18) years in the delivery or distribution of newspapers, or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

"(K) Service covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law;

"(L) Service performed in the employ of the United States Government or an instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by this Act, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this Act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this State shall not be certified for any year by the Social Security Board or successor under Section 1603(c) of the Internal Revenue Code of 1954, the payments required of such instrumentalities with respect to such year shall be refunded by the Commission from the fund in the same manner and within the same period as is provided in subsection 14(j) of this Act with respect to contributions erroneously collected;

"(M) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

"(N) Service performed in the employ of a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitative or remunerative work;

"(O) Service performed as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training;

"(P) Service performed in the employ of a hospital in a State prison or other State correctional institution, by an inmate of the prison or correctional institution;

"(Q) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university;

"(R) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employing unit, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers; and

"(S) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

"(6) Included and Excluded Service: If the services performed during one-half ( $\frac{1}{2}$ ) or more of any pay period by an individual for the person employing him constitute employment, all the services of such individual, for such period shall be deemed to be employment; but if the services performed during more than one-half ( $\frac{1}{2}$ ) of any such pay period by an individual for the person employing him do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, the term 'pay period' means a period (of not more than thirty-one (31) consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing him. This subsection shall not be applicable with respect to services performed in any pay period by an individual for the person employing him, where any of such service is excepted by subsection 19(g)(5)(A) of this Act.

"(n) 'Wages' means all remuneration paid for personal services, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include:

"(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to Four Thousand Two Hundred Dollars (\$4,200) with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during any such calendar year;

"(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents), or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

"(A) Retirement, or

"(B) Sickness or accident disability, or

"(C) Medical or hospitalization expenses in connection with sickness or accident disability, or

"(D) Death;

"(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

"(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six (6) calendar months following the last calendar month in which the employee worked for such employer;

"(5) Any payment made to, or on behalf of, an employee or his beneficiary:

"(A) From or to a trust described in Section 401(a) of the Internal Revenue Code of 1954 which is exempt from tax under Section 501(a) of said Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or



"(B) Under or to an annuity plan which, at the time of such payment, is a plan described in Section 403(a) of the Internal Revenue Code of 1954, or

"(C) Under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in Section 405(a) of the Internal Revenue Code of 1954;

"(6) The payment by an employer (without deduction from the remuneration of the employee):

"(A) Of the tax imposed upon an employee under Section 3101 of the Internal Revenue Code of 1954 (or the corresponding section of prior law);

"(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

"(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five (65), if he did not work for the employer in the period for which such payment is made;

"(9) Within any calendar year that part of an individual's remuneration from a single employer which, after Four Thousand Two Hundred Dollars (\$4,200) has been paid him upon which contributions have been paid under the unemployment law of any state, is paid with respect to employment."

Sec. 14. Section 19, Texas Unemployment Compensation Act, as amended (Article 5221b-17, Vernon's Texas Civil Statutes), is amended by adding Subsections (p) and (q) to read as follows:

"(p) 'Institution of higher education' means an educational institution which:

"(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

"(2) Is legally authorized to provide a program of education beyond high school;

"(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and

"(4) Is a public or other nonprofit institution.

"(5) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this Section.

"(q) 'Hospital' means any establishment or facility located in this State and operated by this State or by this State and one (1) or more other states or by an instrumentality or political subdivision thereof, offering services and beds for use beyond twenty-four (24) hours for two (2) or more nonrelated individuals requiring diagnosis, treatment or care for illness, whether mental or physical, injury, deformity, abnormality, or pregnancy, and regularly maintaining clinical laboratory services, diagnostic X-ray services, or other treatment facilities."

Sec. 15. All laws or parts of laws in conflict herewith, insofar as they do conflict herewith, are hereby repealed but such repeal shall in no way be construed as forfeiting or waiving any rights of the State of Texas or of the Texas Employment Commission, which have accrued thereunder, including, without limiting or without being limited thereto, the right to collect contributions, interest, or penalties that have accrued, and the right of prosecution for violation of any provision thereof; nor shall such repeal in any way be construed as forfeiting or waiving the rights of any individual to benefits which accrued thereunder; provided that the Commission's determination of the benefit year, the benefit amount for total unemployment, and the duration of benefits made with respect to an initial claim filed prior to January 1, 1972, shall be effective for the remainder of such benefit year, and provided further, that nothing in this Section shall be construed as preventing Section 6-A of the Act from being effective on and after January 1, 1972.

Sec. 16. If any word, phrase, sentence, paragraph, subsection, or section of this Act shall be held invalid or unconstitutional, such holding shall not invalidate any other word, phrase, sentence, paragraph, subsection, or section hereof, and the Legislature hereby expressly declares that it would have passed such remaining

words, phrases, sentences, paragraphs, subsections, and sections despite such invalidity.

Sec. 17. This Act takes effect on January 1, 1972.

Sec. 18. The fact that the administrative and technical changes permitted under this Act are necessary and indispensable to the proper and efficient administration of the Texas Unemployment Compensation Act, as amended, and the fact that substantial relief can be given to both employers and claimants by reason of the changes permitted under this Act, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended.

The amendment was read.

Senator Word moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

#### Yeas—17

Aikin	Hightower
Blanchard	Moore
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Watson
Harris	Word
Herring	

#### Nays—12

Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Schwartz
Jordan	Wallace
Kennard	Wilson

#### Absent

Brooks

#### Absent—Excused

Harrington

Senator Mauzy offered the following amendment to the bill:

Amend Section 1 of H. B. No. 266 to read as follows:

"Section 1. Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended by amending subsections b and e and adding a Subsection (f) to read as follows:

'(b) Benefit amount for total unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter of his base period in which wages were highest, provided that:

(1) If such rate is not an even multiple of one dollar (\$1), it shall be adjusted to the next higher multiple of one dollar (\$1); and

(2) Such rate shall not be less than fifteen dollars (\$15) per benefit period nor more than a dollar amount equal to sixty-six and two thirds percent (66 2/3%) of the statewide average weekly wage paid in employment by employers for the immediately preceding fiscal year ending August 31 as determined from time to time by the Commission in the manner hereinafter prescribed, effective January 1 thereafter; provided, however, that effective January 1, 1972, such rate shall not be more than a dollar amount equal to sixty percent (60%) of the statewide average weekly wage paid in employment by employers for the fiscal year ending August 31, 1971.

On the first day of September of each year the Commission shall determine the average weekly wage of the immediately preceding fiscal year in the following manner:

(1) The sum of total monthly employment reported for the fiscal year shall be divided by twelve to determine the average monthly employment;

(2) the sum of the total wages reported for the previous fiscal year shall be divided by the average monthly employment to determine the average annual wage;

(3) the annual average wage shall be divided by fifty-two (52) to determine the average weekly wage.

(e) Benefit Wage Credits: 'Benefit wage credits' means those wages, as defined in this subsection of the Act, which are used to determine an individual's right to benefits. 'Wages' as used in this section shall be as defined

in subsection (n) of section 19 of this Act, except that the four thousand two hundred dollar limitation on wages as set out in subsection (n)(1) of section 19 shall not be applicable for the purposes of this section 3 to remuneration received after December 31, 1971; provided that, for the purposes of this section 3, wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contribution Act (section 3121, chapter 21, subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended. If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

(f) Equal Treatment: Benefits based on services for all employers in employment defined in subsection 19 (f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

The amendment was read.

(Senator Creighton in Chair.)

Senator Word moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Aikin

Blanchard

Connally	Moore
Creighton	Patman
Grover	Ratliff
Harris	Sherman
Herring	Snelson
Hightower	Watson
Kothmann	Word

Nays—14

Bates	Jordan
Beckworth	Kennard
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Wallace
Hall	Wilson

Absent—Excused

Harrington

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 266 by substituting a new Section 1 to read as follows:

"Section 1. Subsection (b), Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

'Benefit Amount for Total Unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1); and

"(2) Such rate shall not be more than Seventy Dollars (\$70) per benefit period nor less than Fifteen Dollars (\$15) per benefit period."

Amend H. B. No. 266 by adding a new Section 2 to read as follows, and renumbering the other sections:

"Sec. 2. Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (e) and adding a Subsection (f) to read as follows:

'(e) Benefit Wage Credits: "Benefit wage credits" means those wages, as defined in this subsection of the Act, which are used in determining an individual's right to benefits. "Wages" as used in this Section shall be as

defined in subsection (n) of Section 19 of this Act, except that the four-thousand-two-hundred-dollar limitation on wages as set out in subsection (n)(1) of Section 19 shall not be applicable for the purpose of this Section 3 to remuneration received after December 31, 1971; provided that, for the purposes of this Section 3, wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended; and provided further, that wages which have been used to qualify an individual for regular benefits under this Act or under any other unemployment compensation law shall not be used again to qualify such individual for regular benefits.

"If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

"(f) Equal Treatment: Benefits based on services for all employers in employment defined in Subsection 19 (f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

The amendment was read.

Senator Word moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Hightower
Blanchard	Moore
Connally	Patman
Creighton	Ratliff
Grover	Sherman
Hall	Snelson
Harris	Watson
Herring	Word

Nays—14

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Wallace
Jordan	Wilson

Absent—Excused

Harrington

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 266 by substituting a new Section 1 to read as follows:

"Section 1. Subsection (b), Section 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

'Benefit Amount for Total Unemployment: Each eligible individual who is totally unemployed in any benefit period shall be paid with respect to such benefit period, benefits at the rate of one twenty-fifth (1/25) of his wages received from employment by employers during that quarter in his base period in which wages were highest, provided that:

"(1) If such rate is not an even multiple of One Dollar (\$1), it shall be adjusted to the next higher multiple of One Dollar (\$1); and

"(2) Such rate shall not be more than Sixty-three Dollars (\$63) per benefit period nor less than Fifteen Dollars (\$15) per benefit period."

Amend H. B. No. 266 by adding a new Section 2 to read as follows, and renumbering the other sections:

"Sec. 2. Sections 3, Texas Unemployment Compensation Act, as amended (Article 5221b-1, Vernon's Texas Civil Statutes), is amended by amending Subsection (e) and adding a Subsection (f) to read as follows:

'(e) Benefit Wage Credits: "Benefit wage credits" means those wages,

as defined in this subsection of the Act, which are used in determining an individual's right to benefits. "Wages" as used in this Section shall be as defined in subsection (n) of Section 19 of this Act, except that the four-thousand-two-hundred-dollar limitation on wages as set out in subsection (n)(1) of Section 19 shall not be applicable for the purpose of this Section 3 to remuneration received after December 31, 1971; provided that, for the purposes of this Section 3, wages received by an individual in any calendar year after December 31, 1967, shall include all remuneration from each employer for employment up to the maximum amount of wages as defined in the Federal Insurance Contributions Act (Section 3121, Chapter 21, Subtitle C, Internal Revenue Code of 1954), as amended, or as it may hereafter be amended; and provided further, that wages which have been used to qualify an individual for regular benefits under this Act or under any other unemployment compensation law shall not be used again to qualify such individual for regular benefits.

"If an employer fails to report wages which were paid to a claimant during a base period when requested by the Commission, the Commission may establish wage credits for such claimant for such base period on the basis of the best information which has been obtained by the Commission.

"(f) Equal Treatment: Benefits based on services for all employers in employment defined in Subsection 19 (f) shall be payable in the same amount, on the same terms, and subject to the same conditions; provided that benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms."

The amendment was read.

Senator Word moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

#### Yeas—15

Aikin	Moore
Blanchard	Patman
Christie	Ratliff
Connally	Sherman
Creighton	Snelson
Grover	Watson
Harris	Word
Hightower	

#### Nays—15

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Hall	Wallace
Herring	Wilson
Jordan	

#### Absent—Excused

Harrington

Question recurring on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—15

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Christie	Wallace
Herring	Wilson
Jordan	

#### Nays—15

Aikin	Moore
Blanchard	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Watson
Harris	Word
Hightower	

#### Absent—Excused

Harrington

The bill was passed to third reading.

**Record of Vote**

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**Motion to Place  
House Bill 266 on Third Reading**

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 266 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

**Yeas—21**

Aikin	Hightower
Bates	Moore
Blanchard	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Hall	Watson
Harris	Word
Herring	

**Nays—9**

Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Jordan	Wilson
Kennard	

**Absent—Excused**

Harrington

(President in Chair.)

**Senate Bill 51 With  
House Amendment**

Senator McKool called S. B. No. 51 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Amendment No. 1**

Amend S. B. No. 51, First Printing, by striking all below the enacting clause and substituting the following:

Section 1. The Texas Election Code is amended by adding Section 56a, to read as follows:

**"56a. Registrar of voters**

"The county tax assessor-collector of each county in this state shall be the registrar of voters in that county; and as used in this code, the term 'registrar of voters' or 'registrar' means the county tax assessor-collector."

Sec. 2. The Texas Election Code is amended by adding Section 56b through 56y, to read as follows:

**"56b. Duties of registrar**

"The registrar shall be responsible for the registration of voters, keeping of records, preparation of lists of registered voters, and such other duties incident to voter registration as are placed upon him by law. The duties imposed upon the county tax assessor-collector as registrar are in addition to his other duties imposed by law. Any of the duties of the registrar, except the hearing of appeals on denial of registration and the hearing of challenges of registration, may be performed through a deputy or deputies. The registrar and his deputies are authorized to administer oaths and certify thereto under the seal of his office in every case where an oath is required in complying with any portion of this code in connection with his official duties. The registrar shall not make a charge against a voter for performing any duty incident to voter registration. The expenses of the office of registrar shall be borne by the county, except as otherwise may be provided by law.

"56c. Time and place for registration; period for which registration is effective; time off from work for registering.

"Subdivision 1. As used in this code, a 'voting year' is a period of one year beginning on March 1 of each calendar year; and a 'voting biennium' (sometimes called a 'biennium') is a period of two voting years beginning with each even-numbered year.

"Subdivision 2. Voters shall register biennially. Regular registration for each voting biennium shall be from the first day of October through the 31st day of January preceding the beginning of the biennium. Registration for each current biennial voting period shall also be conducted at all other times, beginning with the first day of March, except during the last 30 days of the period. A registration during the regular period for the succeeding biennium becomes effective on

the first day of the new biennium. A registration for a current biennium after the beginning of the biennium becomes effective on the 31st day after registration. However, no person is eligible to vote at an election unless he fulfills all the qualifications of an elector for that election. A person registering on or after the first day of October preceding each new biennium and more than 30 days before the end of the current biennium is entitled to vote, if qualified, during the remainder of the current period after the expiration of 30 days, and during the ensuing full period.

"Subdivision 3. This subdivision states an exception to the rules stated in Subdivision 2. Any person who, at the time of applying for registration, comes within a category of persons eligible to vote by absentee ballot without regular registration through use of the federal post card application for absentee ballot, as provided in Subdivision 2a of Section 37 of this code, or who came within such a category at any time during the calendar year in which he applies, may register at any time, and the registration becomes effective for voting on the fifth day following completion of the registration if the registrant is otherwise qualified to vote on that date.

"Subdivision 4. (a) The registrar may have such number of duly authorized and sworn deputies as he deems necessary to assist in the registration of voters. However, no deputy may be paid for his services except with the approval of the commissioners court. An unpaid deputy shall not be required to give a bond in connection with his services.

"(b) It is the intent of the Legislature that the registrar shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

"(c) Where the performance of the services is not contrary to some other provision of law, the head of any department of the state government, with the approval of the governing board where one exists, any county officer, and the head of any department of a city, town, or village, with the approval of the municipal governing board, may permit any of the officers and employees under his control to become deputy registrars of voters and to register persons on any prem-

ises and facilities under his control during the regular working hours of the deputized officer or employee.

"(d) It is also the intent of the Legislature that the registrar, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to cover most effectively every section of the county. The persons so deputized shall be permitted to register voters anywhere within the county and to secure registrations at the places of residence of the persons to be registered, and the registrar shall not deny deputy registrars the right to register voters in accordance with this authorization.

"(e) No voter registrar shall refuse to deputize any person to register voters because of race, creed, color, or national origin or ancestry. No bona fide resident of the county of good moral character shall be excluded from serving as deputy by the registrar.

"Subdivision 5. Upon the request of an employee eligible to register, his employer shall allow him to be absent from work for a sufficient length of time to register if the employee's place of residence and working hours are such that he cannot register at a station located within 10 miles of his place of residence during non-working hours. An employer is not required to compensate an employee for the time the employee is absent for the purpose of registering, but he may not subject the employee to any other penalty or deduction of wages because of his absence. Any employer who violates any provision of this subdivision is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.

"56d. Minimum requirements for stationing of deputies during first registration period

"During the first regular registration period after the effective date of this section, the following are the minimum requirements which each registrar shall meet in the stationing of deputies for the purpose of registering voters:

"(1) One or more deputies must be stationed within each election precinct in the county for a sufficient length of time to satisfy the formula that for each 100 voters or major fraction

thereof who reside within the territory to be served, using the number of votes cast for governor at the last preceding presidential election as the number of voters, one deputy will be on duty for at least eight hours. However, two or more election precincts may be combined and only one station established within the combined territory if the maximum distance of the combined territory from one extremity to the other does not exceed 20 miles.

"(2) A station must be established within each incorporated city, town, or village in accordance with the formula stated in paragraph (1). However, the stationing under either paragraph (1) or paragraph (2) may be counted toward fulfillment of the requirements of the other paragraphs, if the stationing meets the conditions of each paragraph.

"(3) Each station which the registrar is required to establish under either paragraph (1) or paragraph (2) must be kept open for a minimum of one eight-hour day, regardless of the number of voters within the territory to be served.

"This section states mandatory minimum requirements only. The registrar shall maintain such stations or additional stations for such additional period of time as may be necessary to fulfill the standard prescribed in Section 56c of this code.

"56e. Persons entitled to register

"A person is entitled to register as a voter in the precinct in which he resides if:

"(1) on the date of applying for registration he is a citizen of the United States and is subject to none of the disqualifications, other than nonage, stated in Section 33 of this code; and

"(2) within 60 days after the effective date of the registration he will be 18 years of age or older and will have resided in the state for one year.

"56f. Mode of applying for registration

"Subdivision 1. A person may apply for registration in person or by mail. Each applicant shall submit a written application which supplies all the information required by Section 56g of this Code. The secretary of state shall prescribe the application form. He may prescribe one or more forms for use in counties using electronic data processing methods for issuing voter registration certificates and a different form for use in counties not

using those methods, but the registrar in each county shall accept any application made upon any form, prescribed by the secretary of state which supplies all the necessary information for registration. In addition to other requirements, the application form shall contain the following statement: 'I understand that the giving of false information to procure the registration of a voter is a felony.' It shall also contain a space for recording the number of the voter's identification card and record form.

"Subdivision 2. The application shall be signed by the applicant or his agent. However, if the person making the application is unable to sign his name either because of physical disability or illiteracy, he shall affix his mark, if able to do so, which shall be attested by a witness who is a qualified elector, whose signature and address shall be shown on the application. If a person making the application is physically unable to make a mark, the witness shall so state on the application.

"Subdivision 3. The husband, wife, father, mother, son, or daughter of a person entitled to register may act as agent for such person in applying for registration, without the necessity of written authorization therefor, may sign for the applicant, and may receive the voter identification card. However, none of these persons may act as agent unless he is a qualified elector of the county. No person other than those mentioned in this subdivision may act as agent for a person in applying for registration. Except as permitted in this subdivision, a person who wilfully acts as agent for another in applying for registration is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000.

"Subdivision 4. A registrar of voters who knowingly issues a registration certificate to a person other than the applicant or his lawful agent, or who knowingly mails or delivers a registration certificate to a person other than the applicant or his lawful agent, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000.

"56g. Information required on application

"An application for registration shall contain the following information:

"1. The applicant's name, sex, occupation, whether the applicant is a



student at a school, college, or university, and post office address (or if living in an incorporated city or town, his street address).

"2. A statement of the applicant's age. If the applicant has not attained 21 years of age, the application shall show his date of birth by month, day and year. If the applicant has already attained the age of 21 years, it is sufficient for the applicant to state that he is over that age. In lieu of showing the applicant's age in terms of a number of years, age may be shown by stating the date of birth; and in case that form of statement is called for on the application, it is sufficient for an applicant who has attained 21 years of age to state the year of his birth without giving the month and day, or to state that he was born prior to a certain year which shows him to be over that age.

"3. A statement that the applicant has resided in the state more than one year, in the county more than six months, and in the city or town (if a resident of an incorporated city or town) more than six months immediately preceding the date of application; or if not a resident for such length of time, a statement of the date on which he became a resident of the state, county, or city, as the case may be.

"4. A statement that the applicant is a citizen of the United States.

"5. If the applicant was registered in any other county of this state within the preceding two years, the name of the county in which he was registered and his last residence address in that county.

"6. If the application is made by an agent, a statement of the agent's relationship to the applicant.

"The application form shall contain a space for showing the address to which the voter identification card is to be mailed, if it is to be mailed to a temporary address. It shall also contain a space for showing the election precinct in which the applicant resides, but an application shall not be deficient for failure to list the number or name of the precinct or for listing an incorrect number or name where the applicant's correct address is given. It may also contain a space for the applicant's social security number, but an application shall not be deficient for failure to list the number.

#### "56h. Voter identification card

"Subdivision 1. Upon receiving the application of a voter who is entitled to register, the registrar shall prepare a voter identification card for the voter, which shall show the voter's name, registration number, address, and election precinct number. The card shall also contain a space for the voter's signature, and it shall contain or be accompanied by a written instruction to the voter that the card is to be signed by the voter personally immediately upon receipt, if the voter is able to write his name.

"Subdivision 2. If an identification card is lost, mutilated, or destroyed, the voter shall notify the registrar, in person or by mail, and request that a replacement card be issued to him. The face of the card shall contain the same information as the original card, except that it shall be marked to show that it is a replacement.

"Subdivision 3. It is unlawful for the registrar to mail or deliver an identification card or replacement identification card to anyone other than the voter or to someone lawfully acting as his agent, and any registrar or deputy who violates this provision is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.

#### "Subdivision 4. Voter Identification Card with photograph

"In counties desiring to have a Voter Identification Card with a photograph, the commissioners court by a majority vote may authorize such a photograph. The Voter Identification Card with the photograph shall be made of a substantial and durable material, such as used for Texas Driver's Licenses, on which the information and data shall be an integral and permanent part of the materials, and on which can be placed, the information and data required for registration, and which information and data shall remain clearly legible for the duration of the registration period. After the information and data has been emplaced on the base material, it shall be inserted into and sealed in a clear plastic envelope. Each certificate shall be approximately three and three-eighths inches long and approximately two and one-eighth inches wide.

#### "56i. Registration record forms

"Subdivision 1. As soon as practicable after a registration is completed, the registrar shall make up

for the voter a registration record form of loose-leaf style, which shall be made up in duplicate and which shall show the voter's name, permanent residence address, and election precinct number, and optionally the voter's social security number. It shall also show the voter's temporary address if one is shown on his application. The form shall contain suitable space for recording change of residence, transfer of registration to another election precinct, a record of the elections at which the voter votes, and information pertinent to cancellation of registration.

"Subdivision 2. The identification cards and registration record forms for each county shall be serially numbered, beginning with No. 1, for registrations for each new biennium, and the numbers shall be preceded by a letter or combination of letters, beginning with the letter A and proceeding in alphabetical order for each new biennium. The registration records of registered voters shall be kept in two files, one to be known as the precinct registration file and the other to be known as the county registration file. The original form shall be filed alphabetically, by name of the registrant, in the precinct file, and the duplicate shall be filed alphabetically in the county registration file. The voter's application for registration shall be attached to the duplicate record form. The files shall be open to public inspection at all times during regular office hours of the registrar, subject to reasonable safeguards.

"56j. Correction of errors on registration records

"Subdivision 1. When after registration it is discovered that an error has been made in filling out the blanks on the registration record forms or the voter identification card through mistake of the registrar or through mistake of the voter in supplying the information, the voter may present the card to the registrar for correction and the registrar shall correct the information on the card and on the registration records on file in his office.

"Subdivision 2. If an error is made in the election precinct of the voter's residence and the original list of registered voters for the biennium has already been prepared, upon correction of the error the registrar shall place the voter's name on the supplemental list of registered voters for

the precinct in which he resides. No person is entitled to vote in an election precinct of which he is not a resident. If an error in the election precinct has not been corrected on the registration records at the time the voter offers to vote at an election, he may vote in the precinct of his residence, if otherwise qualified, by making and leaving with the presiding judge of the election an affidavit that he is a bona fide resident of that precinct and qualified to vote at that election, and that the error on the registration records was not caused by an intentional misrepresentation on his part.

"Subdivision 3. Where a voter's name is not shown on the precinct lists of registered voters but the voter presents his identification card showing him to be registered in that precinct, the election officers shall permit him to vote and shall add his name, address, and registration number to the list.

"Subdivision 4. Where a voter who does not present his voter identification card to the election officers claims to be registered in the precinct where he offers to vote, or claims to be erroneously registered in some other precinct, the presiding judge, if not satisfied as to his right to vote, may refuse to accept him unless he complies with the provisions of this code relative to challenge of a voter at the polling place. Where a voter claiming to be registered in the precinct is accepted, the presiding judge shall add the voter's name and address to the list of registered voters, with the notation that he voted on an affidavit of a lost identification card.

"Subdivision 5. Within 10 days after the election, the officer to whom the list of registered voters is returned shall notify the registrar of any additions which the election officers made to the list of registered voters. Within the same period, the officer to whom the affidavit of erroneous election precinct is returned shall notify the registrar of the names and other information contained on the affidavits used in the election. The registrar shall take the necessary steps to verify and correct the registration records, including a recall of the identification cards for correction where necessary. If the registrar finds that a person who

voted is not registered, he shall report the matter to the prosecuting attorney.

"56k. Challenge of registration; appeal

"Subdivision 1. Any person applying for registration may be challenged by the registrar or deputy taking his application or by any registered voter of the county. If after hearing and considering the challenge the officer taking the application is satisfied as to the applicant's entitlement to registration, he shall register the applicant, but if not so satisfied, he shall refuse to register the applicant. If refusal has been by a deputy registrar, the applicant may appeal to the registrar, who shall decide the challenge within seven days. When the registrar refuses to register an applicant, the applicant may appeal from the decision of the registrar to a district court of the county within 30 days after the registrar's decision, and the decision of the district court shall be final.

"Subdivision 2. Any registered voter shall have the right to challenge the registration of any other registered voter in his county by filing with the registrar of voters a sworn statement setting out the grounds for such challenge. The registrar shall give notice to the person whose registration has been challenged, and a hearing shall be held and a ruling made thereon. Either party to the controversy may appeal from the decision of the registrar to a district court of the county of registration within 30 days after the registrar's decision, and the decision of the district court shall be final. A challenged voter may continue to vote until a final decision is made canceling his registration.

"Subdivision 3. The district courts of this state shall have jurisdiction to hear and determine appeals from decisions of the registrar refusing an application for registration and from decisions of the registrar either canceling or refusing to cancel a registration. The trial in the district court shall be de novo. The court shall give priority to the appeal if an election is pending within 60 days.

"56l. Cancellation of registration upon death or judicial determination of disqualification

"Subdivision 1. Not later than the 10th day of each month, each local registrar of deaths in this state shall furnish to the registrar of voters of the county of residence of the decedent an abstract of the death certificate of each decedent over the minimum voting age who was a resident of this state at the time of his death. The abstract shall show the name, age, sex, place of residence, and date and place of death of the decedent. Upon receipt of an abstract, the registrar of voters shall determine if the decedent was a registered voter and, if so, shall cancel his registration.

"Subdivision 2. Not later than the 10th day of each month, the clerk of such county court or probate court in this state shall furnish to the registrar of voters of the county of residence of the person so adjudged, an abstract of each final judgment adjudging a person over the minimum voting age and resident within this state to be mentally incompetent. The abstract shall show the person's name and permanent address and any other available information which will assist in identifying the person in the voter registration files. Upon receipt of an abstract, the registrar shall determine if the person is a registered voter and, if so, shall cancel his registration.

"Subdivision 3. Not later than the 10th day of each month, the clerk of each court having jurisdiction of the trial of felony crimes shall furnish to the registrar an abstract of each unappealed conviction for a felony crime and of each final conviction in appealed cases. The registrar shall determine if the person convicted is a registered voter and, if so, shall cancel his registration.

"Subdivision 4. Upon receipt of a certified copy of a final judgment in an election contest proceeding adjudging a registrant not to be a qualified voter, the registrar shall cancel his registration.

"Subdivision 5. Whenever a registration is cancelled under Subdivision 2, 3, or 4 of this section, the registrar shall immediately mail a notice of the cancellation to the registrant.

56m. Change of residence within county

"Subdivision 1. A registered voter who changes his place of residence

within the election precinct shall notify the registrar of the change of address and present his voter identification card to the registrar. The registrar shall make the necessary change on the card and on the registration records in his office and return the card to the voter. He shall change the address on the list of registered voters at the next revision of the list.

"Subdivision 2. A registered voter who changes his residence to another election precinct within the county shall present his voter identification card to the registrar with a written, signed request that his registration be transferred to the precinct of his new residence. The voter must request the change at least four days before any election at which he offers to vote. Unless the registration is transferred and the voter's name appears on the list of registered voters of the precinct of his new residence, he shall not vote. Upon receiving a request for transfer, the registrar shall make the necessary changes on the voter identification card and on the registration records in his office and return the card to the voter. He shall attach the request to the voter's duplicate registration record form in the county file and transfer the voter's precinct registration record form to the file for the precinct of his new residence. He shall make the transfer on the list of registered voters at the next revision of the list.

"56n. Change of residence to another county

"A registered voter who moves from county to another must re-register in the county of his new residence in the same manner as an initial registrant. However, during the first six months after removal the voter may vote a limited ballot, as provided in Section 37c of this code, at any time after registration without being subject to the 30-day waiting period.

"The registrar of the county in which the new registration is accomplished shall immediately notify the registrar of the county wherein the voter was formerly registered that the voter has changed his registration to the county of his new residence. Upon receipt of the notice, the registrar of the county wherein the voter was formerly registered shall cancel the registration in that county.

"56o. Disposition of records upon cancellation of registration

"Upon cancellation of the registration of a voter, the registrar shall remove the voter's registration record forms from the county and precinct registration files and shall attach the duplicate form to the original form and file them alphabetically in the cancelled registration file. The forms shall be preserved for a period of three years after cancellation, and may then be destroyed.

"56p. Change of name

"Any registered voter who changes his name through marriage or judgment of a competent court shall file a signed statement of such change with the registrar and apply for registration under his new name. New registration record forms shall then be prepared and executed and a new identification card shall be issued to the voter, and the old records shall be placed in the cancelled registration file. If otherwise qualified, the voter may vote under the new registration at any election held more than four days after the registration is completed, and may vote under the former registration at any election held within four days after the new registration.

"56q. Renewal of registration by voting or by request for renewal; cancellation for failure to renew

"Subdivision 1. Whenever a registered voter votes in a primary or general election for nomination or election of state and county officers, his registration is automatically renewed for the succeeding biennium unless, prior to the beginning of that biennium, the registration is cancelled under some provision of this code.

"Within 30 days after each second (runoff) primary for nomination of state and county officers, the county chairman of each political party holding primary elections shall deliver to the registrar the lists of registered voters used at the party's general primary and runoff primary in each election precinct in the county marked to show the names of persons who voted at the election as provided elsewhere in this code. Within 60 days after the date of each general election for state and county officers, the county clerk shall deliver to the registrar the lists of registered voters used at the general election, marked

to show the names of persons who voted at the election. From these lists, the registrar shall make a record in the precinct registration files of the voters who voted at these elections. The registrar shall preserve the lists for a period of two years following the close of the biennium in which the election occurred.

"Subdivision 2. Before the first day of October in each odd-numbered year, the registrar shall examine the registration records to determine which persons did not vote at either a primary election or a general election during the current biennium. During the month of October, he shall mail to each such person a notice that it will be necessary for him to reregister if he wishes to vote at elections to be held during the succeeding voting biennium but that he may reregister by returning the notice to the registrar, before the following January 31, with his signed statement thereon that he is still a qualified elector of the county, together with any change of address or other information necessary to bring his registration record up to date.

"If the voter requests registration before the following January 31, the registrar shall make a notation of the reregistration on the precinct registration record and shall place it with the precinct record cards of new registrations for the succeeding voting biennium, and shall attach the request for reregistration to the duplicate registration record form in the county registration file.

"Subdivision 3. The registration of a voter who does not vote at an election during a biennium as provided in Subdivision 1 of this section or who, having failed to vote, also fails to return a request for reregistration by January 31 preceding the beginning of the succeeding biennium as provided in Subdivision 2 of this section, shall be cancelled effective on the first day of the succeeding biennium.

"Subdivision 4. Before the first day of November in each odd-numbered year, the registrar shall mail to each voter who voted at either a primary election or the general election during that voting biennium a notice stating that his registration will be renewed for the succeeding

biennium unless the registrant is no longer a qualified voter of the county, and requesting him to furnish the registrar with any information necessary to bring his registration record up to date. The notice shall be marked with a direction to the postal authorities not to forward it to any other address and to return it to the registrar if the addressee is no longer at that address.

"The registrar shall renew the registration of those voters who do not respond to a delivered notice or who respond and show themselves still entitled to registration in the county.

"When a notice is returned undelivered, the registrar shall send the registrant another notice by forwardable mail, informing him that his registration will be cancelled for the succeeding biennium unless he furnishes to the registrar, before January 31 or within 30 days from the date of the notice, whichever is later, information showing that he is still entitled to registration in the county.

"Subdivision 5. Except where reinstatement of a cancelled registration is expressly provided for, a voter whose registration is cancelled must reregister in the same manner as an initial registrant.

#### "56r. Lists of registered voters

"Subdivision 1. Before the first day of each voting biennium, the registrar shall prepare for each election precinct of the county a certified list of registered voters who were registered for that biennium as of the first day of February of that year. Each precinct list shall be prepared in two parts, each arranged alphabetically by the names of the voters and showing each voter's name, age, address, and registration number. On the first part of the original list shall be shown the names of voters who are qualified to vote in all elections as of March 1. On the second part shall be shown the names of voters who are not yet qualified to vote in all elections as of March 1. This list shall contain five columns, headed as follows:

Not eligible to vote before date shown			
Federal Elections	State Elections		
Statewide	District	Statewide	
	County		City

If a change in the law with respect to voting eligibility makes any of

these columns unnecessary, the secretary of state shall prescribe the number of columns and the headings to be used. For the various types of elections in which the voter is not yet eligible to vote, the registrar shall show the date on which he will become eligible.

"Subdivision 2. The registrar shall deliver to each board, executive committee, or other authority having the duty of furnishing supplies for any general, special, or primary election to be held within the county during the succeeding biennium, one set of such lists for all precincts in the county if any election which may be held by such authority is countywide, and one set of such lists for all precincts wholly or partially within the boundaries of the particular political subdivision if all elections which may be held by such authority are less than countywide. The registrar shall also furnish to each such authority, not less than 20 days before each election, an updated consolidated list of the voters in each precinct who will have been registered for 30 days on the day of the election and whose names do not appear on the original list. When a runoff election is held, before the first day of absentee voting in the runoff election the registrar shall prepare a consolidated list of the voters who will have been registered for 30 days on the day of the election and whose names do not appear on the original list or the supplemental list prepared for the first election. Between the fourth day before the election and election day in each election, he shall furnish a separate list of the voters who transfer their registration more than four days before the election and who are not included in a previous list. The supplemental lists shall be prepared in two parts, in the same form as the original lists. With each supplemental list the registrar shall also furnish a list of persons whose registration has been cancelled or transferred to another precinct since preparation of the last set of lists. The authority shall furnish to the presiding judge in each precinct the original and supplemental lists of voters in his precinct at the time it furnishes other election supplies. Prior to the opening of the polls, the presiding judge shall strike from the registration list

the names of persons whose registration has been cancelled or transferred to another precinct.

"Subdivision 3. Instead of the two-part list of registered voters described in Subdivision 1 of this section, with the approval of the secretary of state the registrar may prepare the original and supplemental lists in some other form so long as the form used gives the required information on each voter.

"Subdivision 4. The registrar shall furnish without charge to each clerk having the duty of conducting absentee voting in any election the appropriate lists for use in the conduct of absentee voting for the election. He shall also furnish to the county clerk one set of the original lists and one set of the supplemental lists prepared for each countywide election, which shall be public records available for public inspection at all times that his office is open.

"Subdivision 5. No charge shall be made for lists furnished for use in elections held at the expense of the county or any city or other political subdivision. For each set of original and supplemental lists which the registrar is required to furnish to the executive committee of a political party for use in its primary elections, the registrar may charge not more than \$5, to be paid by the party or the chairman ordering the lists, which charge shall be in full for both the original lists and the supplemental lists. The registrar shall also furnish to the county executive committee of each political party, for any year in which the party is holding precinct conventions, one set of the original and supplemental lists for use in qualifying persons to participate in the conventions, for which the registrar may charge not more than \$5.

"Subdivision 6. It is permissible for the registrar to furnish additional copies of the original and supplemental lists for each election, and it is permissible for the election officers to use the additional lists for making up the poll list for the election when furnished in suitable form for that purpose.

"Subdivision 7. In addition to other registration records which the registrar is required to maintain, the registrar may maintain an auxiliary record of registered voters on punched

cards or magnetic tapes or in other appropriate manner for producing lists of registered voters on data processing equipment, and may furnish lists of registered voters prepared by such method. In lieu of making supplemental lists for an election, he may furnish a revised complete list of registered voters for each precinct, reflecting changes in the original lists which are required to be shown by the supplemental lists.

**"56s. Abolition of precinct or alteration of boundary**

"In the event the precinct in which a registered voter resides is abolished or has its boundary altered, the registrar shall change the voter's registration record forms to show him to be registered in the proper precinct and shall mail a notice of the change to each voter affected, instructing him to make the change on his voter identification card. If the registrar is unable to determine the proper precinct of a voter from the information on the registration record forms, he shall mail a request to the voter for such additional information as will enable him to determine the proper precinct, and until the information is received he shall not place the voter's name on the list of registered voters for any precinct.

**"56t. Statement of registration**

"Before March 10 of each even-numbered year, the registrar shall make a statement to the secretary of state and to the county clerk showing the number of voters registered in each election precinct in the county as of the first day of March of that year. The statement shall become a record of the officer to whom the statement is made.

**"56u. Reimbursement of county by state**

"Subdivision 1. Before April 1 of each even-numbered year, the registrar shall submit to the comptroller of public accounts a certified statement of the total number of registered voters shown on the precinct registration lists for the voting biennium which began on March 1 of that year, together with the total number of original registration record forms which were processed during the 24-month period ending January 31 of the year in which the statement is submitted.

"Subdivision 2. Before June 1 of the year in which the statement is submitted, the comptroller shall issue a warrant to each county in the aggregate of the following amounts:

"(1) 40 cents multiplied by the number of processed registration forms, and

"(2) 25 cents multiplied by the difference between the total number of registered voters and the number of processed registration record forms, as shown by the certified statement required by Subdivision 1 of this section. However, before issuing a warrant the comptroller may require additional proof to substantiate the statement.

"Subdivision 3. The disbursements prescribed by this section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis.

**"56v. Secretary of state to prescribe forms**

"The secretary of state shall prescribe the form of all cards, records, notices, reports, and other documents which are used in connection with the registration of voters.

**"56w. Penalty for false registration**

"Any person who wilfully makes any false statement to procure his registration as a voter or gives any false information in connection with such registration is guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary not less than one nor more than three years.

**"56x. Penalty for forged or fictitious application**

"Any person who applies for registration of any person, or who signs an application purporting to be the application for registration of any person, either real or fictitious, other than the person making the application or affixing the signature, or someone who is unable to sign and who requests him to sign for such

other person, is guilty of a felony and upon conviction shall be punished by confinement in the state penitentiary not less than one nor more than three years.

**"56y. Construction of other laws**

"Whenever, under any provision of this code or of any other statute of this state heretofore enacted, a person is required to have paid a poll tax or secured an exemption certificate as a qualification for any purpose, such statute shall be construed to require that the person be registered as a voter in accordance with the provisions of this code. All references to a poll tax receipt or an exemption certificate or a voter registration certificate as evidence of eligibility to vote, in both civil and criminal statutes, including those contained in the Penal Code, shall be construed to mean a voter identification card, unless the context clearly requires otherwise, and all references to the list of qualified voters shall be construed to mean the list of registered voters as provided for in Section 56r of this code."

Sec. 3. Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended by adding Subdivision 1b, to read as follows:

**"Subdivision 1b. Voter identification card to accompany application for absentee ballot.**

"(a) All references in this section to the poll tax receipt or exemption certificate or voter registration certificate of an absentee voter shall be construed to mean the voter's identification card provided for in Section 56h of this code. In case of conflict, this subdivision supersedes any other provision of this section which pertains to presentation of one of these documents or an affidavit or statement in lieu thereof when applying for an absentee ballot.

"(b) In absentee voting by personal appearance, the voter shall sign his application for an absentee ballot in the presence of the clerk. He shall present his voter identification card with his application, and the clerk shall compare the signature on the application with the signature on the card to see that they correspond. If the clerk finds that the signatures do not correspond, he shall challenge the voter, and the voter shall not be

allowed to vote unless he complies with the procedure prescribed in Section 91 of this code for acceptance of a challenged voter. The clerk shall make a notation of the challenge on the application, together with a notation of the action taken thereon. If the voter has lost his identification card or has used it in applying for an absentee ballot in another election, the procedure outlined in Subdivision 2, Section 89 of this code shall be followed.

"(c) In absentee voting by mail, where the voter's identification card accompanies the application the clerk shall compare the signature on the application with the signature on the card to see that they correspond. If he finds that they do not correspond, he shall take the action required by Paragraph (d) of this subdivision, and he shall not furnish a ballot to the voter unless the voter complies with the procedure prescribed in Section 91 of this code for acceptance of a challenged voter. If in lieu of presenting his identification card the voter certifies that he has used the card in applying for an absentee ballot for another election and it has not yet been returned to him, the voter is not required to submit any further proof of identity unless the clerk challenges his identity. If the voter has lost his identification card, he may vote upon an affidavit of lost identification card if he also submits the sworn statement of some other registered voter in the same precinct, together with his address and registration number, vouching for the absentee voter's identity.

"(d) In every instance where the clerk challenges an absentee voter's application or his right to vote, the clerk shall inform the voter of the ground of the challenge and the procedure necessary to enable the voter to obtain a ballot. Where application is by mail, the clerk shall mail the notice to the voter on the same day that he acts on the application.

"(e) The clerk does not make a notation on the voter's identification card to show that he has voted at the election, as was required on a poll tax receipt, exemption certificate, or voter registration certificate. In other respects, the provisions in other subdivisions of this section outlining the procedure for maintaining a record of the voting shall be followed



insofar as they do not conflict with this subdivision.

"(f) Within 10 days after an election, the officer having custody of the applications for absentee ballots after the election shall assemble a complete list of the names of the absentee voters who voted on an affidavit of a lost identification card, showing each voter's address and registration number, and shall forward the information to the registrar. The registrar shall mail a blank replacement identification card to each voter whose name is on the list, with the necessary instructions for completing the execution and issuance of the card in accordance with the procedure outlined in Subdivision 2, Section 56h of this code."

Sec. 4. Section 89, Texas Election Code (Article 8.07, Vernon's Texas Election Code), is amended to read as follows:

"89. Presentation of identification card

"Subdivision 1. No person shall be permitted to vote unless he first presents to the election officer his voter identification card or offers satisfactory proof of his identity as provided in Subdivision 2 of this section.

"Subdivision 2. If a voter has lost his identification card, he may vote upon complying with the following procedure. He shall sign an affidavit, on a form provided at the polling place, which in addition to his signature shall show his address and voter registration number. The election officer shall fill in the registration number from the list of registered voters. If the presiding judge has personal knowledge of the voter's identity, or if an election officer or any other person whom the presiding judge knows personally vouches for his identity, the presiding judge may permit him to vote without further identification. Otherwise, the election officer shall require the voter to present his driver's license, social security card, or some other document to establish his identity. In every case the election officer shall note on the affidavit form the method by which identity was established, including the name of the person vouching for the voter's identity or the number of his driver's license, social security card, or other document used to establish his identity, and the of-

ficer who accepts the voter shall place his signature by name or initials alongside the entries. If a voter fails to satisfy the election officer of his identity by any of these methods, he nevertheless shall be permitted to vote if he complies with the challenge procedure outlined in Section 91 of this code.

"Subdivision 3. The affidavits of lost identification card shall be returned to the officer who receives the election records which are intended for public inspection. Within 10 days after the election, the officer shall notify the registrar of the names and other information contained on the affidavits used in the election. The registrar shall mail a blank replacement identification card to each voter whose name is on the list, with the necessary instructions for completing the execution and issuance of the card in accordance with the procedure outlined in Subdivision 2, Section 56h of this code."

Sec. 5. Section 90, Texas Election Code (Article 8.08, Vernon's Texas Election Code), is amended to read as follows:

"90. Poll list and signature roster; acceptance of voter

"Subdivision 1. There shall be kept at each polling place a poll list and a signature roster of persons voting at the election. The poll list shall be made up in the number of copies required by law, consisting of an original and carbon copies thereof, which shall be distributed as provided elsewhere in this code. The signature roster shall be made up as an original and one carbon copy.

"Subdivision 2. When a person offers to vote, he shall present his voter identification card to an election officer and the election officer shall announce the voter's name and shall ascertain that the voter's name appears on the list of registered voters, and shall then require the voter to sign and fill out the signature roster, which shall show the voter's name, address, and registration number. The election officer shall compare the signature on the signature roster with that on the identification card, and if he finds that they correspond, an election officer shall enter the voter's name and registration number on the poll list and shall note on the list of registered voters that the voter has

voted at that election. If the election officer finds that the signatures do not correspond, he shall challenge the voter, and the voter shall not be allowed to vote unless he complies with the procedure prescribed in Section 91 of this code for acceptance of a challenged voter. The election officer shall make a notation of the challenge on the signature roster, together with a notation of the action taken thereon. If the voter is allowed to vote, the word 'challenged' and the name and address of the party testifying under oath as to the voter's qualifications shall be written on the poll list opposite the name of the voter. If a voter is unable to sign his name, his name shall be entered on the poll list without any entry being made on the signature roster, and such fact shall be noted on the poll list. In each case the voter's identification card shall be returned to him.

"Subdivision 3. Where a voter is voting on an affidavit of a lost identification card, he shall sign the signature roster after he has signed the affidavit and has been accepted for voting. The election officer shall then enter his name and registration number on the poll list and make the notation on the list of registered voters, and shall then permit him to vote.

"Subdivision 4. After the polls are closed, the original copy of the signature roster shall be attached to and returned with the copy of the poll list which is intended for inspection by the public and shall be preserved in accordance with the rules applying to that copy of the poll list. The carbon copy of the signature roster shall be retained by the presiding judge, who shall keep it for 60 days, subject to the inspection of anyone interested in the election."

Sec. 6. Subsections (5) and (6), Section 179a, Texas Election Code, as amended (Article 13.01a, Vernon's Texas Election Code), are amended to read as follows:

"(5) To become qualified to participate in any party convention of a party which does not hold a primary or to become qualified for party membership for any party convention held prior to a primary, each voter who desires to participate in the convention shall state under oath to the precinct chairman that he has not participated in the primary or convention

of any other party during that voting year. Thereupon, the precinct chairman shall issue to the voter a certificate in the following form:

Date \_\_\_\_\_  
\_\_\_\_\_ has affiliated with  
(Name of Voter)  
the \_\_\_\_\_ Party for the current  
year.

Precinct Chairman, Precinct No. \_\_\_\_\_  
\_\_\_\_\_ County, Texas.

Each precinct chairman is authorized to administer the oath required by this subsection.

"(6) A certificate issued by the presiding election judge, the county clerk, or the precinct chairman as provided in this section shall serve as evidence that the person whose name appears on the certificate is affiliated with the party designated on the certificate and is therefore eligible to participate in that party's conventions."

Sec. 7. Sections 41a through 55a, Texas Election Code (Article 5.09a through 5.23a, Vernon's Texas Election Code), excepting Section 51b (Article 5.19b) are repealed as of March 1 following the effective date of Section 2 of this Act. These sections are effective for prescribing registration and voting requirements for elections held before the repeal date, but do not apply to registration for elections held on and after the repeal date. Section 51b continues in effect for payment of reimbursements to counties for all registrations under Sections 43a, 44a, and 44b of the Election Code, and is repealed as of September 1 following the effective date of Section 2 of this Act.

Sec. 8. On the effective date of this Act, Sections 43a and 51b, Texas Election Code (Articles 5.11a and 5.19b, Vernon's Texas Election Code), are amended to read as follows until they are repealed as provided in Section 7 this Act:

43a. Period for registration; period for which registration is effective

"As used in this code, a 'voting year' is a period of one year beginning on March 1 of such calendar year. The regular period for registration for each voting year is from the first day of October through the 31st day of January preceding the beginning of the voting year. Registration during this period entitles the registrant, if otherwise qualified, to vote at elec-

tions held at any time during the voting year for which he is registered. Registration for a voting year shall also be conducted at all other times, beginning with the first day of March, except during the last 30 days of the voting year. A person who registers after the beginning of the voting year is not entitled to vote until the expiration of 30 days after registration."

"51b. Reimbursement of county by state

"(1) Before April 1 of each year, the registrar shall submit to the Comptroller of Public Accounts a certified statement of the total number of voters registered under Sections 43a, 44a, and 44b of this code during the 12-month period ending January 31 of the year in which the statement is submitted.

"(2) Before June 1 of the year in which the statement is submitted, the comptroller shall issue a warrant to each county in the amount of 40 cents multiplied by the total number of voters registered as shown by the certified statement required by Subsection (1) of this section. However, the comptroller may, before issuing a warrant, require satisfactory proof of the number of voters registered in the county during the 12-month period mentioned in Subsection 1.

"(3) The disbursements prescribed by this Section shall be made from the general revenue fund as provided by legislative appropriations. All money received by a county under this section shall be deposited in the county treasury in a special fund to be used for defraying expenses of the registrar's office in the registration of voters. None of the money shall be deemed to be fees of office or be retained by the registrar as fees in counties where the registrar is compensated on a fee basis."

Sec. 9. Sections 1 and 8 of this Act take effect on the effective date of the Act. If the Act takes effect on or before October 1, 1971, Section 2 takes effect on October 1, 1971, for registering voters for the biennium which begins on March 1, 1972. If the Act takes effect after October 1, 1971, Section 2 takes effect on October 1, 1973, for registering voters for the biennium which begins on March 1, 1974. Sections 3, 4, 5, 6, and 7 take effect on March 1 following the effective date of Section 2.

Sec. 10. (a) This Act becomes effective and operative as a law upon the happening of either of the following contingencies, whichever first occurs:

(1) If the Supreme Court of the United States affirms or refuses to review the judgment of the United States District Court for the Southern District of Texas, Corpus Christi Division, in Civil Action No. 70-C-42, styled Jimmy F. Beare, et al., v. Preston Smith, as Governor of the State of Texas, et al., or if by other action taken upon an appeal of that case the Supreme Court rules that the provisions of the constitution and statutes of this state requiring annual voter registration are in violation of the Constitution of the United States, or if in any other manner the ruling of the district court that Article VI, Section 2, Constitution of Texas, violates the Constitution of the United States becomes final; or

(2) If an order of the Supreme Court, the court of appeals, or the district court having jurisdiction of the case becomes effective to enjoin the enforcement of the provisions held invalid by the district court; or

(3) If a constitutional amendment deleting the requirement for annual registration is submitted by the 62nd Legislature and is adopted by the qualified electors of this state.

(b) If neither of the contingencies stated in Subsection (a) occurs, this Act does not become effective. If the first or second contingency occurs before the third one, the Attorney General of Texas shall certify its occurrence to the Governor and to the Secretary of State, and the Governor immediately shall issue his proclamation declaring that this Act becomes effective as a law on the date of the proclamation.

If the third contingency is the first to occur, this Act becomes effective as a law on the date that the Governor proclaims the adoption of the constitutional amendment.

Sec. 11. Subsection (k), Section 40, Texas Election Code, as amended (Article 5.08, Vernon's Texas Election Code), is amended to read as follows:

"(k) The residence of a student in a school, college, or university shall be presumed to be where his home was before he became such student unless he can prove that he has become a bona fide resident of the place

where he is living while attending school or of some other place. A student under 21 years of age shall not be considered to have acquired a residence at the place where he lives while attending school unless he intends to remain there and to make that place his home indefinitely after he ceases to be a student and proves that he receives less than half of his financial support from his parents or legal guardian."

Sec. 12. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of the Act are declared to be severable.

Sec. 13. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The House amendment was read.

Senator McKool moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S. B. No. 51 before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators McKool, Bernal, Mauzy, Harrington and Hightower.

House Bill 1722 Ordered Not Printed

On motion of Senator Snelson and by unanimous consent, H. B. No. 1722 was ordered not printed.

House Bill 1884 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent, H. B. No. 1884 was ordered not printed.

House Bill 1864 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 1864 was ordered not printed.

House Bill 1840 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 1840 was ordered not printed.

House Bill 517 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 517 was ordered not printed.

House Bill 728 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 728 was ordered not printed.

House Bill 969 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 969 was ordered not printed.

#### Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 396.

S. B. No. 948.

S. B. No. 344.

S. B. No. 838.

#### Motion in Writing

Senator Hall submitted the following Motion in Writing:

Honorable Ben Barnes  
President of the Senate

Notice is hereby given of the intent to hold a Local and Uncontested Calendar on Saturday, May 29, 1971 instead of Friday, May 28, 1971, at 9:30 a.m.

Ralph M. Hall

Chairman

Local and Uncontested Calendar

The Motion in Writing was read and was adopted.

Senate Bill 1040 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, S. B. No. 1040 was ordered not printed.

### Senate Bill 513 With House Amendment

Senator Kothmann called S. B. No. 513 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 513, House First Printing, by striking all below the enacting clause and substituting the following:

Section 1. DEFINITIONS. In this Act:

"Municipal sewage" means any waterborne liquid, gaseous, or solid substances that are discharged from a publicly owned sewer system, waste treatment facility, or waste disposal system.

Section 2. PROHIBITION. No municipal corporation with a population of not less than 400,000 nor more than 800,000 according to the last preceding Federal census, may discharge any municipal sewage into any open pond, the surface area of which pond covers more than 100 acres, if the discharge will cause or result in a nuisance. The Texas Water Quality Board, acting with the Texas Air Control Board and the Texas State Department of Health, shall make periodic inspections of such ponds as necessary, but at least once every year, and shall ascertain whether such pond is causing or will cause or result in a nuisance.

If the Texas Water Quality Board, acting in accord with the Texas Air Control Board and the Texas State Department of Health, shall ascertain that the maintenance of such pond creates or continues a nuisance, it shall advise the municipal corporation making such discharge and shall allow such municipal corporation adequate time to abate such nuisance.

Section 3. PENALTY. (a) Any municipal corporation with a population of not less than 400,000 nor more than 800,000 which fails to abate a nuisance pursuant to a directive of the Texas Water Quality Board as provided in Section 2 above, within a reasonable time after notification of such failure by the Texas Water Qual-

ity Board, shall be liable to a civil penalty of not more than \$1,000 a day for each day that it maintains such a nuisance.

(b) The Attorney General shall institute suit in district court in the county in which the alleged nuisance exists to collect the penalty described by the Act.

Section 4. EFFECTIVE DATE. This Act takes effect on September 1, 1971.

Section 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The House amendment was read.

Senator Kothmann moved that the Senate concur in the House amendment.

The motion prevailed.

(Senator Connally in Chair.)

#### Senate Bill 1041 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harrington

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Aikin:

S. B. No. 1041, A bill to be entitled "An Act amending Subchapter C, Chapter 23, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 199a, Vernon's Texas Civil Statutes) to provide for the creation of the 202nd Judicial District, to be composed of the County of Bowie; and declaring an emergency.

To Committee on County, District and Urban Affairs.

**Conference Committee Report on  
House Bill 384**

Senator Hall submitted the following Conference Committee Report:

Austin, Texas,  
May 27, 1971.

The Hon. Ben Barnes, President of the Senate.

The Hon. G. F. "Gus" Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on H. B. No. 384, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

CLAYTON

SHORT

ADAMS

HAWN

SILBER

On the part of the House.

HALL

RATLIFF

WALLACE

WORD

JORDAN

On the part of the Senate.

The Conference Committee Report was read and was adopted.

**Senate Bill 814 With  
House Amendments**

Senator Schwartz called S. B. No. 814 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend S. B. 814 by striking all be-

low the Enacting clause and substituting therefor the following:

"Section 1. Section 1, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the district clerk, the county clerk, the assessors and collector of taxes, and the sheriff shall be paid a salary of not less than \$15,000 per annum as determined by the commissioners court of such county."

"Sec. 2. Section 2, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the chief deputy district clerk, the chief deputy county clerk, the chief deputy sheriff, and the deputy assessor and collectors of taxes shall be paid a salary of not more than \$15,000 per annum as determined by the commissioners court of such county."

"Sec. 3. Section 3, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 3. In any county having a population of not less than 160,000 and not more than 170,000, according to the last preceding Federal Census, the commissioners court may employ and fix the salary of the deputies, administrative assistants, and clerks of any district, county, or precinct officer, including any member of the Commissioners' Court, in an amount not to exceed \$15,000 per year."

"Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended; and that this Act take effect and be in full force from and after its passage, and it is so enacted."

**Amendment No. 1**

Amend S. B. 814 at line 36 and line 46 of the Second House Printing of said bill as follows:

Delete "\$15,000" and insert in lieu thereof:  
"\$14,000."

The House amendments were read.

Senator Schwartz moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 814 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Schwartz, Manzy, Wilson, Bernal and McKool.

**Senate Concurrent Resolution 8 With House Amendment**

Senator Schwartz called S. C. R. No. 8 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the following House amendment before the Senate:

**Committee Amendment No. 1**

Strike all and substitute the following:

Authorizing and directing the Interagency Natural Resources Council to provide the mechanism to promote interagency cooperation and coordination with regard to land use, pollution control and other problems in the Coastal Zone; working with the appropriate agencies, to delineate the roles and responsibilities of the State agencies concerned with the protection, conservation, and development of the State's coastal resources; to work with the State agencies in solution of certain urgent problems adversely affecting those resources; and to take certain other actions.

Whereas, By Senate Concurrent Resolution No. 38, the 61st Texas Legislature, Regular Session, authorized and directed the Interagency Natural Resources Council to make a comprehensive study of the State's submerged lands, beaches, islands, estuaries and estuarine areas, including, but without limitations, coastal marshlands, bays, sounds, seaward areas and lagoons, and to submit a progress report to the Governor of Texas and to the Legislature by the first day of December 1970 and its final report by the first day of December 1972; and

Whereas, These coastal resources of the State of Texas are of great value to the present and future generations of Texas; and

Whereas, It is the declared policy of the State that such submerged lands, islands, estuaries, and estuarine areas shall be so managed and used as to insure the conservation, protection, and restoration of such submerged lands, islands, estuaries, and estuarine areas with resources and natural beauty and, consistent with such protection, conservation and restoration, their development and utilization in a manner that adequately and reasonably maintains a balance between the need for such protection in the interest of conserving the natural resources and natural beauty of the State and the need to develop these submerged lands, islands, estuaries, and estuarine areas to further the growth and development of the State; and

Whereas, The people of the State of Texas have a primary interest in the correction and prevention of irreparable damage to or unreasonable impairment of the uses of the coastal waters of the State and inland waters of the State in such estuaries and estuarine areas caused by drainage, waste water disposal, industrial waste disposal, and all other activities that may contribute to the contamination and pollution of such waters; and

Whereas, The Summary of the Interim Report on the Coastal Resources Management Program submitted by the Interagency Natural Resources Council pursuant to Senate Concurrent Resolution No. 38, 61st Legislature, Regular Session, calls attention to a number of urgent and serious problems adversely affecting the State's coastal resources and the

coastal environment, to the fact that the respective roles and responsibilities of the several State agencies with respect to the State's coastal resources and the coastal environment are not clearly defined in some instances, that there is need for coordination and cooperation among the State agencies, and recommends that certain actions be taken as soon as possible; and

Whereas, It is in the best interests of the people of Texas and the desire of the Legislature that all possible actions be effectively taken by the Interagency Natural Resources Council and the State agencies within their statutory powers to protect, conserve and properly develop the State's coastal resources and to improve the coastal environment pending submission of the Council's final report; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the following be accomplished:

Section 1. The Interagency Natural Resources Council is authorized and directed to:

1. Promote interagency cooperation and coordination in actions affecting the State's coastal resources;

2. Working with the appropriate agencies, delineate the roles and responsibilities of the State agencies as set out by statute in matters pertaining to the natural resources of the Coastal Zone;

3. Work with the General Land Office and the Attorney General in establishing a comprehensive policy concerning coastal lands, including: (a) policies on the sale and subsequent use of Texas' submerged lands, (b) clarification of ownership of lands resulting from erosion/accretion shifts, (c) delineation of limits of State and private ownership, and (d) equitable compensation for all economic uses of State lands;

4. Give every assistance to member pollution control agencies in their continued anti-pollution activities;

5. Work directly with the Institute of Marine and Coastal Law and other experts on legalistic problems of coastal resource management;

6. Work with the Coordinating Board for Higher Education, State-supported universities and colleges, the Advisory Council for Technical-Vocational Education and the Central

Education Agency in encouraging the development of marine-related curricula, conservation education, and marine-related research programs.

7. Investigate the feasibility of applying procedures of resources analysis developed in the Coastal Resources Management Program to other areas of the State;

8. Work with the Texas Water Quality Board, the Texas Parks and Wildlife Department, the Water Rights Commission, the Water Development Board, the Air Control Board and other concerned agencies in developing a consistent and logical policy for power plant siting;

9. Coordinate with the Texas Historical Survey Committee and provide through the Coastal Resources Management Program for the preservation of culturally and historically significant sites which might be destroyed or affected by natural resource use; and

10. Coordinate with the Interagency Transportation Council on matters related to transportation's effect on land use and resources in the Coastal Zone.

11. Cooperate and coordinate with other advisory bodies established by the Legislature.

Section 2. The Interagency Natural Resources Council is authorized and directed to meet in open session at least once every quarter. The time, place, and agenda of the quarterly meeting shall be made known to the public at least ten (10) days in advance of the meeting.

Section 3. The Interagency Natural Resources Council shall report activities and progress of the Coastal Resources Management Program to the members of the Legislature at least once every three months until the final report is submitted by December 1972.

Section 4. The results of the actions of the Interagency Natural Resources Council pursuant hereto shall be incorporated in its final report on the Coastal Resources Management Program, to be submitted by December 1972.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed.



# Senate Concurrent Resolution 9 With House Amendment

Senator Schwartz called S. C. R. No. 9 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the following House amendment before the Senate:

## Committee Amendment No. 1

Strike all and substitute the following:

Authorizing and directing the Interagency Natural Resources Council in its Coastal Resources Management Program to conduct certain important environmental, legal and economic investigations relating to the protection, conservation and development of Texas' coastal resources and the coastal environment.

WHEREAS, The Interagency Natural Resources Council is conducting the Coastal Resources Management Program, a comprehensive study of the State's submerged lands, beaches, islands, estuaries and estuarine areas, including, but without limitation, coastal marshlands, bays, sounds, seaward areas and lagoons, pursuant to Senate Concurrent Resolution No. 38 of the 61st Texas Legislature, Regular Session; and

WHEREAS, The Summary of the Interim Report submitted by the Interagency Natural Resources Council to the 62nd Texas Legislature, Regular Session pursuant to said Senate Concurrent Resolution No. 38, finds that the Coastal Zone of Texas, representing an invaluable social and economic, and in some respects irreplaceable resource to the State and Nation, is experiencing pressures of urban, industrial, and agricultural growth that are causing a general degradation of the environment, that such conditions will worsen unless steps are taken to maintain a balance of conservation and economic development, and that the Coastal Resources Management Program during the next two years should concentrate on coastal environmental problems, their solution and the legalistic mechanisms necessary for full implementation of the Program; and

WHEREAS, It is in the best interests of the people of Texas and the policy of the Legislature that the

coastal environment be upgraded and maintained at a high level; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that the following be accomplished:

Section 1. The Interagency Natural Resources Council in its Coastal Resources Management Program, working through its member agencies and other qualified parties, is authorized and directed to conduct studies of and encourage cooperation in the following:

1. Existing pollution and environmental problems including those unrelated to waste disposal, including information concerning their sources, long-term effects and solutions;

2. The environmental effects of proposed hurricane protection measures and other man-made additions to and modifications of our Coastal Zone;

3. A legal analysis of institutional authority and responsibility necessary for the proper implementation of a Coastal Resources Management Program;

4. An inventory of remaining mineral resources, replenishable or alternative substitutes for those resources, and means by which to extract those resources with minimal environmental losses;

5. The long-term effects of man-made substances such as oils, farm chemicals and pesticides upon the natural environment;

6. The use of a multidisciplinary approach in developing a practical and usable method for evaluating the consequences of alternative environmental management proposals including the assessment of consequences of varying land-use patterns;

7. Means of supporting research leading to a better understanding of natural meteorological and geological phenomena such as hurricanes, northers, subsidence, erosion, etc., with a view toward minimizing destructive effects.

8. The availability of data for preparation of a comprehensive sourcebook of existing marine resources in the Gulf;

9. The Tektite Program of the Marine Biomedical Institute of The University of Texas Medical Branch at Galveston, and various research programs related to coastal zone re-

sources with a view toward encouragement and support of marine-oriented research.

10. The cost to future Texans of unnecessarily depleting economically important nonreplenishable resources, including effects on long-term income and employment opportunities; and

11. Evaluation of the economic potential of resource utilization in the Coastal Zone.

Section 2. The Interagency Natural Resources Council will include the findings of these investigations and studies in its final report on the Coastal Resources Management Program to the 63rd Texas Legislature.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed.

#### House Bill 474 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 474, A bill to be entitled "An Act relating to the governance operation, support, and maintenance of The University of Texas System and the component institutions of The University of Texas System; providing that this Act shall be cumulative; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend House Bill No. 474 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. (a) The Board of Regents of The University of Texas System is authorized and directed to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System.

"(b) The Board of Regents of The University of Texas System is authorized to prescribe for each of the com-

ponent institutions courses and programs leading to such degrees as are customarily offered in outstanding American universities, and to award all such degrees. It is the intent of the Legislature that such degrees shall include baccalaureate, masters, and doctoral degrees, and their equivalents, but no new department, school, or degree-program shall be instituted without the prior approval of the Coordinating Board, Texas College and University System.

"(c) The Board of Regents of The University of Texas System has authority to promulgate and enforce such other rules and regulations for the operation, control and management of The University of Texas System and the component institutions thereof as the Board of Regents of The University of Texas System may deem either necessary or desirable. The Board of Regents of The University of Texas System is specifically authorized and empowered to determine and prescribe the number of students that shall be admitted to any course, department, school, college, degree-program, or institution under its governance.

"(d) The Board of Regents of The University of Texas System is specifically authorized to make joint appointments in the component institutions under its governance. The salary of any person who receives such joint appointment to be apportioned to the appointing institutions on the basis of services rendered.

"(e) The Board of Regents of The University of Texas System is specifically authorized, upon terms and conditions acceptable to it, to accept and administer, gifts, grants, or donations, of any kind, from any source, for use by the System, or any of the component institutions of the System.

"(f) Provided that no component institution not authorized to offer a four-year undergraduate program as of the effective date of this Act shall offer a four-year undergraduate program without the specific authorization of the Legislature."

"Sec. 2. The Board of Regents of The University of Texas System is authorized to maintain, operate, and administer The University of Texas at Arlington as a general academic institution of higher education offering a standard four-year undergradu-

ate program. The Board of Regents shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities and to award such degrees. It is the intent of the Legislature that such degrees shall include baccalaureate, masters, and doctoral degrees, and their equivalents; but no department, school, or degree program shall be instituted, except with the prior approval of the Coordinating Board, Texas College and University System.

"Sec. 3. The Board of Regents of The University of Texas System is authorized to operate, maintain, and administer The University of Texas Marine Science Institute at Port Aransas as a part of and under the direction and control of The University of Texas at Austin. The University of Texas Marine Science Institute at Port Aransas shall: Conduct a comprehensive instructional program in marine science, resources, and engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment; perform basic and applied research as a Coastal Zone Laboratory in the coastal marine environment; and may provide a shore-based facility, including, but not limited to, laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment.

"Sec. 4. The Board of Regents of The University of Texas System is authorized to operate, maintain, and administer the University of Texas McDonald Observatory at Mount Locke as a part of any under the direction and control of The University of Texas at Austin. The University of Texas McDonald Observatory at Mount Locke shall conduct basic research in astronomy, along with optical and radio astronomy research, toward the establishment of a highly developed astronomy and space-science program, including the acquisition and support of the technical and maintenance staffs and facilities essential to the operation of an observatory of the first class, and may assist in the conduct of a comprehensive instructional program in astronomy and space science.

"Sec. 5. This Act is cumulative of all statutes relating to The Univer-

sity of Texas System or to any of the component institutions of The University of Texas System, except where such statutes may be in conflict with this Act. If any such conflict arises, the conflicting statute is hereby repealed to the extent of the conflict.

"Sec. 6. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 7. The fact that there is an imperative need for the authority hereby conferred upon the Board of Regents of The University of Texas System and the fact that the continued governance, operation, maintenance, and support of The University of Texas System and the component institutions of The University of Texas System are in the best interest of all of the people of Texas create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Brooks offered the following amendment to the Committee Amendment to the bill:

Amend Section 1 of Committee Amendment No. 1 to H. B. No. 474 by adding a new subsection (g) to read as follows:

"(g) The Board of Regents of The University of Texas System is authorized to provide student publications services for the students registered in its component institutions. The Board of Regents of The University of Texas System may contract with non-profit corporations and unincorporated associations for the provision of these services. The Board of Regents of The University of Texas System shall have neither direct nor indirect control over the contents of and the viewpoints expressed in student publications; provided, however, this

Act shall not be construed to limit the legitimate interest of the Board of Regents of The University of Texas System in avoiding libel and substantial disruption of school activities. It is the intent of the Legislature to encourage the free and full expression of differing viewpoints in a student press through the use of university facilities and student fees for the publication of student newspapers."

The amendment to the Committee Amendment was read.

On motion of Senator Herring the amendment was tabled by the following vote:

## Yeas—17

Aikin	Kennard
Blanchard	Moore
Christie	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Harris	Watson
Herring	Word
Hightower	

## Nays—12

Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Schwartz
Hall	Wallace
Jordan	Wilson

## Absent

Bates

## Absent—Excused

Harrington

Question recurring on the adoption of the Committee Amendment, the Committee Amendment was adopted.

On motion of Senator Herring and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

## House Bill 474 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 474 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

## Absent—Excused

Harrington

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Vote

Senator Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

## House Concurrent Resolution 138 on Second Reading

On motion of Senator Creighton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 138, Reaffirming belief in the free enterprise system.

The resolution was read.

Senator Moore offered the following amendment to the resolution:

Amend H. C. R. 138 by adding the following resolving clause:

"Be it further resolved that this resolution is meant in no way to be critical of the Board of Directors of the Texas Board of Corrections and of the services that they are rendering to other State agencies in this state."

The amendment was read and was adopted.

The resolution as amended was then adopted.

#### Reports of Standing Committees

By unanimous consent, Senator Hightower submitted the following reports for the Committee on Administration:

S. C. R. No. 94.  
S. C. R. No. 116.  
S. C. R. No. 113.  
S. C. R. No. 103.  
S. C. R. No. 95.  
S. C. R. No. 86.  
S. C. R. No. 76.  
S. C. R. No. 67.  
S. C. R. No. 52.  
H. C. R. No. 154.  
H. C. R. No. 153.  
H. C. R. No. 131.  
H. C. R. No. 130.  
H. C. R. No. 129.  
H. C. R. No. 128.  
H. C. R. No. 110.  
H. C. R. No. 83.  
H. C. R. No. 71.  
H. C. R. No. 64.

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

H. B. No. 1582 (Floor report).

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 1041 (Floor report).

**Senate Bill 1041 Ordered Not Printed**

On motion of Senator Aikin and by unanimous consent S. B. No. 1041 was ordered not printed.

#### Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on State Affairs:

S. B. No. 640 (Floor Report).

S. B. No. 419 (Floor report).

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1758.  
H. B. No. 1863.  
H. B. No. 1835.  
H. B. No. 1824.  
H. B. No. 1833.

#### House Bill 1884 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1884, A bill to be entitled "An Act creating Delta County Municipal Utility District; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1884 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1884 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harrington

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harrington

**Senate Bill 362 With  
House Amendments**

Senator Schwartz called S. B. No. 362 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Amendment No. 1**

Amend S. B. 362 by striking all below the enacting clause and substituting therefor the following:

Section 1. DEFINITIONS. When used in this Act, unless the context requires a different definition:

(1) "Department" means the Department of Health.

(2) "Person" includes any individual, partnership, corporation or association, or legal representative or agent.

(3) "Commerce" means any and all commerce within the State of Texas and subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

(4) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decom-

position, heat, or other means, if the substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; and any radioactive substance if, with respect to the substance as used in a particular class of article or as packaged, the department finds by regulation that the substance is sufficiently hazardous to require labeling in accordance with the provisions of this Act in order to protect the public health. The term "hazardous substance" does not apply to economic pesticides subject to the State or Federal Insecticide, Fungicide, and Rodenticide Act, nor to foods, drugs, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act or to the Texas Food, Drug, and Cosmetic Act, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a private residence, nor does it apply to or include any source material, special nuclear material, or by-product material as defined in the federal Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission.

(5) "Toxic" means any substance other than a radioactive substance which has the capacity to produce personal injury or illness to any person through ingestion, inhalation, or absorption through any body surface.

(6) "Highly toxic" means any substance which produces death within 14 days in half or more than half of a group of 10 or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of 50 milligrams or less per kilogram of body weight, when orally administered, or when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, if the inhaled concentration is likely to be encountered by any person when the substance is used in any reasonably foreseeable manner; or which produces death within 14 days in half or more than half of a group of 10 or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when ad-

ministered by continuous contact with the bare skin for 24 hours or less. However, if the department finds that available data based on human experience indicate results different from those obtained on animals, the human data shall take precedence.

(7) "Corrosive" means any substance which in contact with living tissue will cause destruction of that tissue by chemical action. It does not refer to chemical action on inanimate surfaces.

(8) "Irritant" means any noncorrosive substance which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

(9) "Strong sensitizer" means any substance which will cause on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substances. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.

(10) "Flammable" applies to any substance which has a flash point of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester. Any substance which has a flash point at or below 20 degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester shall be designated "extremely flammable." However, the flammability of solids, children's clothing, and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally applicable to these materials or containers, and shall be established by regulations issued by the department.

(11) "Radioactive substance" means a substance which emits ionizing radiation.

(12) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance, or in the case of an article which is unpackaged or is not packaged, in an immediate container intended or suitable for delivery to the ultimate consumer; a display of the matter directly on the article involved

or on a tag or other suitable material affixed thereto.

(13) "Immediate container" does not include package liners.

(14) "Misbranded hazardous substance" means a hazardous substance (including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner which is susceptible of access by a child to whom the toy or other article is entrusted, intended or packaged in a form suitable for use in the household or by children), which fails to bear a proper label as required by this Act.

Sec. 2. LABELING. (a) It shall be the responsibility of the department to see that hazardous substances are labeled sufficiently to inform users of dangers involved in the use, storage, or handling of such substances, together with instructions for actions to be followed or avoided and instructions where necessary for proper first aid treatment. The department shall develop labeling instructions consistent with and in conformity with federal requirements.

(b) Any statement required by the provisions of Subsection (a) of this section shall be located prominently and shall be written in the English language in conspicuous and legible type which contrasts in typography, layout, or color with other printed matter on the label. The department may also require any such statement to be written in the Spanish language in addition to the English language.

(c) Any statement required by the provisions of Subsection (a) of this section shall also appear on the outside container or wrapper of any substance, and on any container sold separately and intended for the storage of a hazardous substance, unless the statement is easily legible through the outside container or wrapper, and on all accompanying literature where there are directions for use, written or otherwise.

Sec. 3. BANNED HAZARDOUS SUBSTANCES. (a) Any article of clothing (other than diapers) intended for the use of children which is not in compliance with flammability standards for such clothing established by the department shall be declared to be a banned hazardous substance by the department. The determination by the department that articles of clothing of a specified

range of sizes are intended for the use of a child 14 years or younger shall be conclusive.

(b) Any toy or other article other than clothing intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in a manner susceptible of access by a child to whom the toy or other article is entrusted, shall be declared to be a banned hazardous substance by the department.

(c) Any hazardous substance intended, or packaged in a form suitable for, use in a household, which, notwithstanding cautionary labeling required by this Act, is potentially so dangerous or hazardous when present or used in a household, that the protection of the public health and safety can be adequately served only by keeping the substance out of the channels of commerce, shall be declared to be a banned hazardous substance by the department.

(d) Any article subject to the provisions of this Act which cannot be labeled adequately to protect the public health and safety, or which presents an imminent danger to the public health and safety, shall be declared a banned hazardous substance by the department.

(e) The provisions of this section do not apply to any toy or article such as chemical sets which by reason of functional purpose requires the inclusion of a hazardous substance, and which bears labeling which in the judgment of the department gives adequate directions and warnings for safe use, and is intended for use by children who have attained sufficient maturity and may reasonably be expected to read and heed these directions and warnings; nor do the provisions of this section apply to the manufacture, sale, distribution, or use of fireworks of any class.

**Sec. 4. EXAMINATIONS AND INVESTIGATIONS.** (a) In order to enforce the provisions of this Act, any officer, employee, or agent of the department may, upon the presentation of appropriate credentials to the owner, operator, or agent, enter at reasonable times any factory, warehouse, or establishment in which any hazardous substance is manufactured, processed, packaged, or held for introduction into commerce or is held after introduction into commerce, or any vehicle used to transport or hold any hazardous substance in commerce, for

the purpose of inspecting within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein.

(b) The officer, employee, or agent may obtain samples of any materials, packaging, and labeling; however, he shall pay or offer to pay the owner, operator, or agent in charge for any sample and shall give a receipt describing the samples obtained.

**Sec. 5. RULES AND REGULATIONS; HEARINGS; APPEALS.**

(a) The department may, after public hearing following due notice, issue reasonable rules and regulations necessary for the efficient enforcement of this Act. The rules and regulations shall conform with regulations established pursuant to the federal Hazardous Substances Act, where applicable.

(b) If any person affected by any rule or regulation adopted and established by the department should take exception to the adoption and issuance of any rule or regulation, such person may request a hearing before the department, in which event the department shall not enforce such rule or regulation except as hereafter provided. Within thirty days after receipt of such request, the hearing must be held. The complaining person shall be given at least ten days notice of the place, date and time of such hearing. After fair hearing the department shall issue a written order or decision, upholding, amending, extending or reversing the previous action, and stating reasons therefor. If within thirty days of the date of such order or decision, there is no appeal as provided for in Subsection (c) hereof, such rule or regulation shall become effective.

(c) If any person be dissatisfied with an order or decision following a hearing pursuant to Subsection (b) of this Section, such person may bring suit against the department to repeal, amend, vacate or set aside such order, decision, rule or regulation, in a District Court of Travis County, Texas. When such suit is filed, the plaintiff may apply for an injunction restraining the department from enforcing its order or decision pending the outcome of the trial on the merits, and the Court in its discretion may grant such application for injunction or the Court may continue the department's order



or decision in effect where the Court finds it necessary to protect the public health. Upon a trial on the merits, the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the courts in the first instance and there had been no intervening administrative action, order or decision. All such appeals shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts.

**Sec. 6. PROHIBITED ACTS.** The following acts are prohibited:

(1) the holding or offering for sale, the sale, the introduction or delivery for introduction into commerce of any misbranded hazardous substance or banned hazardous substance;

(2) the alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the label, or the doing of any other act with respect to, a hazardous substance if such act is done while the substance is in commerce, or while the substance is held for sale (whether or not the first sale) after shipment in commerce, and results in the hazardous substance being a misbranded hazardous substance or a banned hazardous substance;

(3) the receipt in commerce of any misbranded hazardous substance or banned hazardous substance, and the delivery or proffered delivery thereof for pay or otherwise;

(4) the failure to permit entry or inspection, or to provide records as authorized by the provisions of this Act;

(5) the use by any person to his own advantage, or revealing other than to the department or to a court when relevant in any judicial proceeding under this Act, of any information acquired in an inspection authorized by the provisions of this Act concerning any method or process which as a trade secret is entitled to protection;

(6) the removal or disposal of a detained article or substance in violation of Section 11.

**Sec. 7. PENALTIES.** Any person who violates any of the provisions of this Act is guilty of a misdemeanor and may upon conviction be fined not less than \$100, nor more than \$1,000,

or be imprisoned for not more than 90 days, or both; but for any offense committed with intent to defraud or for second and subsequent offenses, the penalty shall be a fine of not less than \$1,000 nor more than \$3,000, or imprisonment for not more than 180 days, or both.

**Sec. 7a. EXCLUSION.** The provisions of this Act shall not apply to the manufacture, distribution, sale or use of diapers.

**Sec. 8. EXEMPTIONS.** The penalties described in Section 7 of this Act do not apply to any person who delivers or receives a banned or misbranded hazardous substance if the delivery or receipt is made in good faith, and if the person subsequently furnishes on request the name and address of the person from whom he purchased or received the banned or misbranded hazardous substance, and copies of all documents, if any, pertaining to the original delivery of the hazardous substance to him.

**Sec. 9. NECESSITY OF DEPARTMENT ACTION.** No article or substance is a banned hazardous substance, unless a regulation to that effect has been issued and adopted by the department.

**Sec. 10. RECORDS.** For the purposes of enforcing the provisions of this Act, carriers engaged in commerce and persons receiving hazardous substances in commerce or holding any hazardous substances so received, shall, upon the request of the department, permit a representative thereof at reasonable times to have access to, and to copy, all records showing the movement in commerce, or the holding after such movement, of any hazardous substance, and the quantity, consignee, and shipper thereof. However, evidence obtained in this manner may not be used in a criminal prosecution of the person from whom it is obtained, and carriers shall not be subject to the other provisions of this Act by reason of their receipt, carriage, holding, or delivery of hazardous substances in their usual course of business.

**Sec. 11. SEIZURE.** (a) Whenever a duly authorized agent of the department has good reason to believe that a hazardous substance is a banned or misbranded hazardous substance, he shall affix to the article a tag or other appropriate marking, giving notice that such article is, or is suspected of being a banned or misbranded hazardous substance and has

been detained, and warning all persons not to remove from the premises or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court.

(b) The department shall petition to the judge of district court of the county in which the article or articles are located asking that the court authorize the destruction of the article or articles. If the court determines that the article or articles are banned or misbranded hazardous substances, the department shall destroy the article or articles, and all court costs and fees, and storage and other proper expenses shall be taxed against the claimant of the article or articles. However, if the court finds that misbranding occurred in good faith and could be corrected by proper labeling, the court may direct that the article or articles be delivered to the claimant for proper labeling with the approval of the department.

(c) If the court finds that the article or articles are not banned or misbranded hazardous substances, it shall order the department to remove the tags.

Sec. 12. EFFECTIVE DATE. The effective date of this Act is January 1, 1972.

Sec. 13. Chapter 428, Acts of the 55th Legislature, Regular Session, 1957, is repealed.

Sec. 14. EMERGENCY. The importance of this Act and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in both Houses be suspended, and this Rule is hereby suspended.

#### Amendment No. 2

Amend substitute to Senate Bill 362, Section 1, subsection 4, second sentence by inserting the following after the words "Federal Food, Drug and Cosmetic Act":

"or to beverages complying with or subject to the Federal Alcohol Administration Act,".

The House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Concurrent Resolution 108 With House Amendment

Senator Herring called S. C. R. No. 108 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend S. C. R. No. 108 by changing the period at the end of the last paragraph to a semicolon, and adding the following language:

"and be it further" and by adding to said resolution an additional paragraph to read as follows:

"Resolved, That nothing in this Resolution shall be construed as implying that the Legislature intends to create a right of appeal under a statute wherein there is no provision for appeal, nor shall this Resolution be construed as any indication that the Legislature necessarily agrees or disagrees with the decision of the Board of Trustees of the Employees Retirement System of Texas in its disposition of the claim herein discussed."

The House amendment was read.

Senator Herring moved that the Senate concur in the House amendment.

The motion prevailed.

#### Vote on Adoption of Conference Committee Report on Senate Bill 442 Reconsidered

Senator Mauzy moved to suspend that portion of Senate Rule 52 relating to reconsideration in order that he might reconsider the vote by which the Senate adopted the Conference Committee Report on Senate Bill No. 442.

The motion prevailed by the following vote:

Yeas—30

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harris
Bridges	Herring
Brooks	Hightower
Christie	Jordan

Kennard	Schwartz
Kothmann	Sherman
Mauzy	Snelson
McKool	Wallace
Moore	Watson
Patman	Wilson
Ratliff	Word

Absent—Excused

Harrington

On motion of Senator Mauzy and by unanimous consent, the vote by which the Conference Committee Report on S. B. No. 442 was adopted was reconsidered.

Question—Shall the Conference Committee Report on S. B. No. 442 be adopted?

The Conference Committee Report was withdrawn.

#### Conference Committee Report on Senate Bill 442

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas,  
May 24, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 442, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY  
McKOOL  
WALLACE  
BERNAL  
KENNARD

On the part of the Senate.

ATWELL  
HULL  
MONCRIEF

On the part of the House.

S. B. No. 442,

#### A BILL TO BE ENTITLED

An Act relating to the compensation of certain county and district officials in certain counties; amending

Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); amending Section 2, Chapter 697, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3883i-1, Vernon's Texas Civil Statutes); amending Sections 1, 2, 2a, and 3, Chapter 11, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes); amending Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes); and declaring an emergency.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) In all counties of this state having a population of not less than one million, two hundred thousand (1,200,000) inhabitants and not more than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of county officials as follows:

"The salary of the county judge shall be Twenty-eight Thousand Eight Hundred Dollars (\$28,800) per annum; the county commissioners, Twenty Seven Thousand Six Hundred Dollars (\$27,600); criminal district attorney and district attorney, Thirty Thousand Dollars (\$30,000); probate judge, Twenty-seven Thousand Six Hundred Dollars (\$27,600); sheriff, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); tax assessor and collector, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); judges of county courts at law and county criminal courts, Twenty-seven Thousand, Four Hundred Dollars (\$23,400). county clerk and district clerk, Twenty-four Thousand Dollars (\$24,000) county treasurer, Twenty-three Thousand, Four Hundred Dollars (\$23,400) Salaries fixed by this Section shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor

and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables shall receive not to exceed Nineteen Thousand, Two Hundred Dollars (\$19,200) per annum to be paid in equal monthly installments; provided that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Twenty-one Thousand, Six Hundred Dollars (\$21,600) per annum. The county judge in such counties, shall be allowed, in addition to all other compensation fixed herein, the sum of Three Thousand Dollars (\$3,000) per annum for serving as a member of the County Juvenile Board which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge.

"The commissioners court of each county to which this Subsection (a) applies may increase the salary or maximum salary of each officer enumerated in this Subsection in an additional amount not to exceed 20 percent of the salary or maximum salary, exclusive of supplemental compensation, authorized in this Subsection. No increased compensation may be authorized pursuant to this paragraph of this Subsection (a), until, at a regular meeting, the commissioners court holds a public hearing upon the question of any proposed increase, following publication of notice of that public hearing, in a newspaper of general circulation in that county, at least two (2) times, one time a week prior to such public hearing."

Sec. 2. Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In any county in this State having a population of 1,200,000 or more and not more than 1,500,000 according to the last preceding Federal Census, the Judges of the several District and Criminal District Courts of such counties shall receive, in addition to the salary paid by the State to them, and to other District Judges

of this State, the sum of \$12,000 annually, to be paid in equal monthly installments out of the General Fund or Officers' Salary Fund of such counties. The Commissioners Court shall make proper budget provisions for the payment thereof. Any District Judge of the State who may be assigned to sit for the Judge of any District Court in such counties under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount not to exceed the difference between the pay of such visiting Judge from all sources by District Judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding Judge of the Administrative District in which said Court is located."

Sec. 3. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

Yeas—30

Aikin	Hall
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	Kothmann
Christie	Mauzy
Connally	McKool
Creighton	Moore
Grover	Patman

Ratliff	Wallace
Schwartz	Watson
Sherman	Wilson
Snelson	Word

Absent—Excused

Harrington

**Senate Bill 520 With  
House Amendment**

Senator Wilson called S. B. No. 520 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Senate Bill No. 520 by striking all below the enacting clause and placing in lieu thereof the following:

"Section 1. By this Act, the Legislature of the State of Texas, for and in consideration of the benefit to the public health, safety, and welfare, which is hereby declared and determined to be adequate with consideration, hereby grants, sells and conveys and by this Act does grant, sell and convey to the City of Rusk, an incorporated city situated in Cherokee County, Texas, the following described property:

Being 487.33 acres of land, more or less, being the residue of the 671 acres, more or less, in the Wm. BARTTEE LEAGUE, State Abstract No. 3 in Cherokee County, Texas, which is more fully described in a Deed from C. B. Raines, Sr. to the State of Texas, dated March 15, 1876, of record in Vol. H-2, Page 362, et seq. of the Deed Records of Cherokee County, Texas, said 671 acres, more or less, being a part of the property included in the 1929.79 acres set aside to the RUSK STATE HOSPITAL by the State Board of Control in Corrected Resolution and Deed dated December 4th., 1929, filed for record on December 9th., 1929, and recorded in Vol. 139, page 426, et seq. of the Deed Records of Cherokee County, Texas, and the residue of said 671 acres, more or less, being described by metes and bounds as follows, to-wit:

BEGINNING at a concrete marker with brass cap in top stamped BCIC 18-1969, from which a 9" Elm bears S. 32° W. 4.1 feet, a 13" Sand Jack

bears No. 80° W. 26.3 feet, and a 4" Hickory bears N. 74° . . 12.8 feet, said corner being the Easternmost Northeast corner of said 671 acre tract and in the West boundary line of a 488.8 acre tract described in Deed to The State of Texas, dated April 9, 1877, recorded in Vol. H-2, page 174, of the Deed Records of Cherokee County, Texas, said beginning corner being South 01° 09' 47" East 2027.03 feet and South 88° 11' 13" West 2178.99 feet and South 01° 23' 44" East 4195.73 feet from the Northeast corner of said Wm. Bartee League;

THENCE South 01° 23' 44" East with the East boundary line of the 671 acre tract and the West boundary line of said 488.8 acre tract a distance of 3810 feet to a point for corner in the North boundary line of a tract of 83.63 acres described in a Deed from the State Board of Control to the Valencia Iron & Chemical Corporation, dated August 11, 1948, of record in Vol. 321, Page 201, of the Deed Records of Cherokee County, Texas;

THENCE South 88° 37' 36" West with the North boundary of said 83.63 acre tract a distance of 1209.00 feet to a concrete marker with brass cap on top stamped Sheffield Steel 1774-4, same being the Southeast corner of the 28.9 acres described in Deed from Rusk State Hospital to the Cherokee Development Company, dated November 4, 1964, of record in Vol. 357, Page 581 of the Deed Records of Cherokee County, Texas;

THENCE North 01° 59' 57" West with the East boundary line of said 28.9 acre tract a distance of 619.86 feet to its Northeast corner, a concrete marker with brass cap in top stamped Sheffield Steel 1774-5 for corner;

THENCE South 88° 44' 44" West with the North boundary line of said 28.9 acre tract a distance of 1940.39 feet to its Northwest corner, a concrete marker with brass cap in top stamped Sheffield Steel 1774-2 for corner;

THENCE South 10° 29' 00" West with the West boundary line of said 28.9 acre tract a distance of 649.90 feet to its Southwest corner, same being an ell corner of the 671 acre tract, a concrete marker with brass cap in top stamped Sheffield Steel 1774-1 and 1777-1 for corner;

THENCE South 04° 24' 04" East with an East boundary line of said

671 acre tract a distance of 162.08 feet to the North right-of-way line of the Cotton Belt Railroad, a concrete marker with a brass cap in top stamped Sheffield Steel 1777-13 for corner;

THENCE with the North right-of-way line of said Railroad as follows: North 58° 48' 53" West 1643.65 feet to a concrete marker with brass cap in top stamped BCIC 12-1969, North 59° 43' 26" West 172.12 feet to a concrete marker with brass cap in top stamped BCIC 13-1969, North 62° 05' 55" West 200.87 feet to a concrete marker with brass cap in top stamped BCIC 14-1969, North 69° 42' 25" West 179.41 feet to the intersection of said North railroad right-of-way line with the West boundary line of said 671 acre tract of land, a concrete marker with brass cap in top stamped BCIC 15-1969 for corner;

THENCE North 01° 07' 40" West with the West boundary line of said 671 acre tract a distance of 3728.20 feet to its Northwest corner, a concrete marker with a brass cap in top stamped BCIC 16-1969 for corner;

THENCE North 88° 54' 02" East with the North boundary line of said 671 acre tract a distance of 4148.85 feet to the Northernmost Northeast corner of said 671 acre tract of land, same being an ell or inside corner of the Sheffield 50 acre tract, a concrete marker with brass cap in top stamped Sheffield Steel 1790-7 for corner, from which a 27" Post Oak bears S. 76° W. 28.1 feet;

THENCE South 00° 35' 17" East with an East boundary line of said 671 acre tract and a West boundary line of said Sheffield tract a distance of 815.15 feet to the Southwest corner of said Sheffield tract, being an ell or inside corner of said 671 acre tract, a concrete marker with a brass cap in top stamped BCIC 17-1969 for corner, from which a 7" Post Oak bears S. 60° W. 21.4 feet and an 11" Pine bears N. 44° W. 14.8 feet;

THENCE South 88° 35' 38" East with the South boundary line of said Sheffield tract a distance of 1001.00 feet to the place of beginning and containing 487.33 acres of land, more or less.

Section 2. The land herein conveyed is to be used by the City of Rusk for public park and/or recreational purposes. If such land should be traded by the City of Rusk for other land such other land shall be used for the

same purposes. If the land herein conveyed should be traded for other land, the conditions of this Section shall not run with the land herein conveyed but shall attach to the land received from any such trade by the City of Rusk. In case of such trade, the land herein conveyed in the hands of a third party shall be free and clear of the conditions of this Section.

Section 3. A copy of this Act, duly certified by the Secretary of State may be filed of record by the County Clerk in the Deed Records of Cherokee County.

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The House amendment was read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Joint Resolution 29 With House Amendments

Senator Wilson called S. J. R. No. 29 from the President's table for consideration of the House amendments to the resolution.

The Presiding Officer laid the resolution and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend S. J. R. No. 29 by striking all below the resolving clause and substituting the following:

Section 1. That Article XVI, Section 33, Constitution of the State of Texas, be amended to read as follows:

"Section 33. The accounting officers in this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40."

Sec. 2. That Article XVI, Section 40, Constitution of the State of Texas, be amended to read as follows:

"Section 40. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, and the National Guard Reserves, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the state soil and water conservation districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified. State employees, who are not state officers, shall not be barred from serving as members of the governing bodies of school districts, cities, towns, or other local governmental districts. It is further provided that a non-elective State officer may hold other non-elective offices under the State or the United States, if the other office is of benefit to the State of Texas or is required by the State or Federal law, and there is no conflict with the original office for which he receives salary or compensation. No member of the Legislature of this State may hold any other office or position of profit under this State, or the United States."

Sec. 3. The foregoing constitutional amendment shall be submitted to a

vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment permitting state employees, who are not state officers, to serve as members of the governing bodies of school districts, cities, towns, or other local governmental districts, without forfeiting their state salary, and specifying exceptions to the constitutional prohibition against payment of state funds for compensation to any person who holds more than one civil office of emolument."

#### Floor Amendment No. 1

Amend Committee Amendment No. 1 to S. J. R. 29 by striking the comma and inserting the following words after the word employees on line 60 of the said Committee Amendment No. 1:

Or other individuals who receive all or part of their compensation either directly or indirectly from funds of the State of Texas and

#### Floor Amendment No. 2

Amend Committee Amendment No. 1 to S. J. R. No. 29 by changing the period after the word "districts" on line 3, page 2 into a semicolon and adding the following:

"provided, however, that such state employees or other individuals shall receive no salary for serving as members of such governing bodies."

#### Amendment No. 3

Amend Committee Amendment No. 1 to S. J. R. 29, by striking the period and adding to the last sentence of Sec. 2 the following: "except as a notary public if qualified by law."

Senator Wilson moved that the Senate concur in the House amendments. The motion prevailed by the following vote:

Yeas—28

Aikin	Brooks
Bates	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Grover
Bridges	Harris

Herring	Ratliff
Hightower	Schwartz
Jordan	Sherman
Kennard	Snelson
Kothmann	Wallace
McKool	Watson
Moore	Wilson
Patman	Word

Nays--2

Hall                      Mauzy

Absent—Excused

Harrington

**Message From the House**

Hall of the House of Representatives

Austin, Texas,  
May 27, 1971.Hon. Ben Barnes, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 559, A bill to be entitled "An Act revising, amplifying, and clarifying civil and criminal laws relating to general, special and primary elections held by the state, by counties, cities, and other political subdivisions of the state, and by political parties; clarifying the eligibility requirements for public officers; broadening the eligibility and revising the procedures for absentee voting; revising the eligibility requirements and procedures for voting by new residents of the state and by former residents of the state in presidential elections; revising the form of the ballot to eliminate the ballot stub and adjusting voting procedures accordingly; regulating write-in candidacy and requiring the candidates to file a declaration of candidacy before election; clarifying the order of party columns on the ballot; revising the provisions on the furnishing, procurement, and use of voting booths at polling places; revising the provisions on rendition of assistance to voters in preparing their ballots; revising the procedure for recording votes cast on voting machines; revising provisions relating to the form of the ballot for electronic voting systems; providing for emergency appointment of election judges; permitting young children to accompany parents into polling places and voting booths; revising provisions on the

form of the primary ballot; permitting transmission of precinct convention records by certified mail; revising provisions on the application of a candidate for convention nomination; revising provisions on procedures for becoming an independent candidate; revising provisions on nominations by parties without state organization; amending the Texas Election Code as follows: amending Section 5, as amended (Article 1.05, Vernon's Texas Election Code); amending Section 37, as amended (Article 5.05), by amending Subdivisions 1, 2, 3a, 3b, and 4, Paragraphs (b) and (d) of Subdivision 6, and Subdivision 15, and by adding Subdivisions 2½ and 19 and Paragraph (d-1) of Subdivision 6; amending Sections 37a and 37b (Articles 5.05a and 5.05b), Subdivisions 2, 3, and 5 of Section 61 (Article 6.05), Sections 61b, 62, 66, 67, 68, and 69 (Articles 6.05b, 6.06, 7.01, 7.02, 7.03, and 7.04), Section 15 of Section 79 and Subsection (c), Section 18 of Section 79 (Article 7.14), Subdivisions 14 and 15, and Paragraph (a), Subdivision 17, Section 80 (Article 7.15), Sections 86, 95, 97, and 99 (Articles 8.04, 8.13, 8.15, and 8.17), Subsection (a), Section 187 (Article 13.09), Subsection (c), Section 212 (Article 13.34), and Sections 224a, 227, 229, and 231 (Articles 13.47a, 13.50, 13.52, and 13.54); adding division (3) to Subparagraph (d), Subdivision 11, Section 80 (Article 7.15), and Section 230a; and repealing Section 38 (Article 5.06), Subparagraphs (b)(4), (c)(4), and (c)(5), Subdivision 11, Section 80 (Article 7.15), and Subsection 6, Section 190a (Article 13.12a); amending Article 225, Penal Code of Texas, 1925, as amended; and declaring an emergency."

H. C. R. No. 32, That Bobby K. Field is granted permission to sue the State of Texas in any court of competent jurisdiction for any relief to which he may be entitled under the law arising from the allegations stated in this Resolution or any allegations necessarily connected with them.

H. C. R. No. 176, Commending Earl W. Adams, Superintendent, Henderson Public Schools.

H. C. R. No. 177, Expressing appreciation to the Honorable Frank C. Erwin for the manner in which he



handled the ceremonies of the Lyndon Baines Johnson Library dedication.

H. C. R. No. 179, Commending Joseph (Joe) Zeppa of Tyler, Texas.

H. C. R. No. 181, Commending each of the Family Physicians participating in the "Family Physician of the Day" Program, and Miss Vera Taylor, Registered Nurse.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 1758 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1758 was ordered not printed.

#### House Bill 1824 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1824 was ordered not printed.

#### House Bill 1833 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1833 was ordered not printed.

#### House Bill 1863 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1863 was ordered not printed.

#### House Bill 1835 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1835 was ordered not printed.

#### Senate Bill 953 With House Amendments

Senator Hall called S. B. No. 953 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend Senate Bill 953, House Second Printing, by striking on lines 36 and 37 the figures and words "six hundred (600) and less than two thousand (2,000)" and substituting the figures and words "1,500 and less than 1,800."

#### Amendment No. 2

Amend S. B. No. 953, House Second Printing, by striking all above the enacting clause and substituting the following:

#### A BILL TO BE ENTITLED

An Act validating the incorporation of all cities and towns of more than 1,500 and less than 1,800 inhabitants, heretofore incorporated or attempted to be incorporated under the general laws of Texas under the Commission form of government; validating the boundary lines thereof where an overlapping of territory occurred at the time of such incorporation and which overlapping of territory has been removed by an ordinance of either of such cities or towns; validating governmental proceedings; and declaring an emergency.

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments.

The motion prevailed.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 690 by vote of 137 Ayes, 0 Noes.

The House has concurred in Senate amendments to House Bill No. 416 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 451 by non-record vote.

S. C. R. No. 96, Authorizing State of Texas to accept gifts, etc., for acquisition of site for a statewide museum.

S. C. R. No. 118, To study the problem of securing adequate, clean and safe drinking water for all households in Texas.

All necessary rules suspended, and the Conference Committee Report on

House Bill No. 955 adopted by a vote of 135 Ayes, 1 No.

All necessary rules suspended, and the Conference Committee Report on House Bill No. 1001 adopted by a vote of 140 Ayes, 0 Noes.

H. B. No. 358, A bill to be entitled "An Act relating to the creation of the 199th Judicial District composed of Collin County; amending Subchapter C, Judicial Districts Act of 1969 (Article 199a, Vernon's Texas Civil Statutes), and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bill 694 With  
House Amendments**

Senator Kennard called S. B. No. 694 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

**Committee Amendment No. 1**

Amend S. B. No. 694, First House Printing, by adding, in line 16, the words "and the county clerk" after the word "clerk," and by striking the words "clerk or his" in line 17 and substituting the words "clerks or their" therefor.

**Committee Amendment No. 2**

Amend S. B. No. 694, First House Printing, in line 10, in the caption by adding the words "and the county clerk" between the word "clerk" and the semicolon.

The House amendments were read.

Senator Kennard moved that the Senate concur in the House amendments.

The motion prevailed.

**Recess**

On motion of Senator Aikin the Senate 12:07 o'clock p.m. took recess until 2:15 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:15 o'clock p.m. today.

**Leave of Absence**

Senator Christie was granted leave of absence for the remainder of today on account of illness in the family on motion of Senator Snelson.

**Bills and Resolutions Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 16.  
H. B. No. 136.  
H. B. No. 253.  
H. B. No. 280.  
H. B. No. 534.  
H. B. No. 1107.  
H. B. No. 1206.  
H. B. No. 1622.  
H. B. No. 1270.  
H. B. No. 1685.  
H. B. No. 1709.  
H. B. No. 1746.  
H. B. No. 1792.  
H. B. No. 1862.  
H. B. No. 43.  
H. B. No. 332.  
H. B. No. 423.  
H. B. No. 463.  
H. B. No. 467.  
H. B. No. 516.  
H. B. No. 609.  
H. B. No. 646.  
H. B. No. 665.  
H. B. No. 743.  
H. B. No. 858.  
H. B. No. 1015.  
H. B. No. 1327.  
H. B. No. 1539.  
H. B. No. 1754.  
H. C. R. No. 164.  
H. C. R. No. 175.

**Reports of Standing Committees**

By unanimous consent, Senator Creighton submitted the following reports for the Committee on Water and Conservation:

H. B. No. 1642.

H. B. No. 1693.

H. B. No. 1711.

H. B. No. 1834.

**Senate Bill 1042 on First Reading**

Senator Harrington moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harrington

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Harrington:

S. B. No. 1042, A bill to be entitled "An Act amending Article 3, Chapter IX, the Texas Banking Code of 1943, as amended (Article 342-903, Vernon's Texas Civil Statutes), concerning the prohibition of branch banking; and declaring an emergency."

To Committee on Banking.

**Report of Standing Committee**

By unanimous consent, Senator Ratliff submitted the following report for the Committee on Banking:

S. B. No. 1042.

**Senate Bill 1042 Ordered Not Printed**

On motion of Senator Harrington and by unanimous consent, S. B. No. 1042 was ordered not printed.

**Senate Resolution 1400**

By unanimous consent, Senator Bates offered the following resolution:

S. R. No. 1400—Providing for the creation of a Committee to make a comprehensive study of the pari-mutuel system of horse racing.

The resolution was read and was adopted.

**Record of Votes**

Senators Mauzy, Snelson and Wilson asked to be recorded as voting "Nay" on the adoption of the resolution.

**Senate Concurrent Resolution 120**

By unanimous consent, Senator Bernal offered the following resolution:

S. C. R. No. 120—Suspending Joint Rules so that either House may take up and consider S. J. R. No. 57 at any time.

The resolution was read.

Senator Bernal asked unanimous consent that the resolution be considered immediately.

There was objection.

Senator Bernal then moved that the resolution be considered immediately.

Question on the motion to consider the resolution immediately, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—23

Aikin	Kothmann
Bates	Mauzy
Beckworth	McKool
Bernal	Moore
Bridges	Patman
Brooks	Schwartz
Christie	Sherman
Hall	Snelson
Herring	Wallace
Hightower	Watson
Jordan	Wilson
Kennard	

## Nays—7

Blanchard	Harris
Connally	Ratliff
Creighton	Word
Grover	

Absent—Excused

Harrington

The resolution was then adopted.

**House Bills and Resolution on First Reading**

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 559, To Committee on Privileges and Elections.

H. B. No. 358, To Committee on County, District and Urban Affairs.

H. C. R. No. 32, To Committee on Jurisprudence.

**Bills and Resolution Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. B. No. 918.

S. B. No. 969.

S. B. No. 168.

S. B. No. 709.

S. B. No. 913.

S. B. No. 549.

S. B. No. 694.

S. C. R. No. 123.

**Senate Concurrent Resolution 125**

By unanimous consent, Senator Harrington offered the following resolution:

S. C. R. No. 125—Suspending Joint Rules so S. B. No. 1042 may be considered at any time.

The resolution was read.

On motion of Senator Harrington and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Bill 748 With House Amendments**

Senator Wallace called S. B. No. 748 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

**Floor Amendment No. 1**

Amend S. B. No. 748 by adding a new section thereto as follows:

"The provisions of this Act are hereby declared to be severable. Should any portion hereof be declared unconstitutional or ineffective for any reason, such declaration shall not affect the remaining provisions hereof, and the Legislature specifically declares that it would have passed the balance of this Act notwithstanding the omission of any part thereof declared to be unconstitutional or ineffective."

Amend S. B. No. 748 by adding a new section appropriately numbered, "The provisions of this bill 'shall not apply to any fees due ASCAP.'"

The House amendments were read.

Senator Wallace moved that the Senate concur in the House amendments.

The motion prevailed.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 64, Creating the Bicentennial Study Committee.

H. C. R. No. 174, Proposing an amendment to the United States Constitution.

H. B. No. 1024, A bill to be entitled "An Act relating to bilingual education training institutes, bilingual instructional materials, and salaries for bilingual education teachers; amending Subchapter A, Chapter 11, Texas Education Code, by adding Section

11.17; amending Subchapter A, Chapter 12, Texas Education Code, by adding Section 12.04; amending Subchapter D, Chapter 16, Texas Education Code, by adding Section 16.3061; amending Section 16.312, Texas Election Code, by adding Subchapter (c-1); and declaring an emergency."

H. B. No. 1299, A bill to be entitled "An Act validating the procedure for formation and creation of Housing Authorities for cities, counties and regions under provisions of the Housing Authorities Law (House Bill Number 821, Chapter 462, page 1144, Regular Session of the 45th Legislature, as amended by H. B. No. 102, Chapter 41, page 1924, Second Called Session of the 45th Legislature, as amended by Chapter 563, page 926, Regular Session of the 47th Legislature) (Article 1269K, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1739, A bill to be entitled "An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as the Kerrville Hills Public Utility District; etc.; and declaring an emergency."

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 335 by a vote of 131 Ayes, 7 Noes.

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 817 adopted by a non-record vote.

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 818 adopted by a non-record vote.

H. C. R. No. 119, Petitioning Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States prohibiting the forced busing of students in order to achieve racial balance.

H. C. R. No. 183, Commending the famed "Lost Battalion" on the memorable occasion of their 27th Reunion.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

### Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 1213 (Floor report).

By unanimous consent, Senator Blanchard submitted the following report for the Committee on Insurance:

H. B. No. 680 (Floor report).

### House Bill 1711 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1711 was ordered not printed.

### House Bill 1693 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1693 was ordered not printed.

### House Bill 1642 Ordered Not Printed

On motion of Senator Wallace and by unanimous consent, H. B. No. 1642 was ordered not printed.

### House Bill 1213 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1213 was ordered not printed.

### House Concurrent Resolution 177 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

H. C. R. No. 177, Expressing appreciation to the Honorable Frank C. Erwin for the manner in which he handled the ceremonies of the Lyndon Baines Johnson Library dedication.

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was adopted.

**House Bill 956 on Second Reading**

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 956, A bill to be entitled "An Act amending Chapter 656, Acts of the 61st Legislature, 1969 (Article 5221f, Vernon's Texas Civil Statutes); creating a Performance Certification Board for mobile homes; etc.; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 956 by changing subsection (5) of proposed Section 2 to read as follows:

"(5) 'Department' means the Bureau of Labor Statistics."

The amendment was read.

Senator Kennard moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table was lost by the following vote:

**Yeas—5**

Connally	Moore
Creighton	Sherman
Kennard	

**Nays—24**

Aikin	Jordan
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Bridges	Patman
Brooks	Ratliff
Grover	Schwartz
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

**Absent**

Blanchard

**Absent—Excused**

Christie

Question recurring on the adoption of the amendment, the amendment was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 956 on Third Reading**

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 956 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

**Absent—Excused**

Christie

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 275 on Second Reading**

Senator Bridges asked unanimous consent to suspend the regular order of business and take up H. B. No. 275 for consideration at this time.

There was objection.

Senator Bridges then moved to suspend the regular order of business and take up H. B. No. 275 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Beckworth
Bates	Bernal

Bridges	Mauzy
Brooks	McKool
Connally	Patman
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Hightower	Wallace
Jordan	Watson
Kennard	Wilson
Kothmann	Word

Nays—5

Blanchard	Moore
Creighton	Ratliff
Herring	

Absent

Harris

Absent—Excused

Christie

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 275, A bill to be entitled "An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully State-supported, coeducational institution of higher learning, to be known as the University of South Texas; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Record of Votes

Senators Moore, Creighton, Mauzy, Herring and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### House Bill 275 on Third Reading

Senator Bridges moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Grover
Bates	Hall
Beckworth	Harrington
Bernal	Hightower
Bridges	Jordan
Brooks	Kennard
Connally	Kothmann

Mauzy	Snelson
McKool	Wallace
Patman	Watson
Schwartz	Wilson
Sherman	Word

Nays—6

Blanchard	Herring
Creighton	Moore
Harris	Ratliff

Absent—Excused

Christie

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Moore, Herring, Blanchard, Creighton, Mauzy and Ratliff asked to be recorded as voting "Nay" on the final passage of the bill.

#### Senate Resolution 1402

By unanimous consent, Senator Hall offered the following resolution:

S. R. No. 1402—Providing for the creation of a Senate Interim Committee on Revenue and Tax planning.

The resolution was read and was adopted.

#### Senate Resolution 1403

By unanimous consent, Senator Bridges offered the following resolution:

S. R. No. 1403—Providing for the creation of a Senate Committee on Consumer Credit.

The resolution was read and was adopted.

#### Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 1773.

H. B. No. 1687.

H. B. No. 1659.

H. B. No. 358.

By unanimous consent, Senator Hall submitted the following report for the Committee on State Affairs:

C. S. S. B. No. 570 (Floor report) (Read first time).

By unanimous consent, Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

H. J. R. No. 68 (Floor report).

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

H. B. No. 1351 (Floor report).

By unanimous consent, Senator Watson submitted the following report for the Committee on Environment:

H. B. No. 1262 (Floor report).

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 1686.

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs.

H. B. No. 760 (Floor report).

H. B. No. 575 (Floor report).

#### Senate Concurrent Resolution 121

By unanimous consent, Senator Jordan offered the following resolution:

S. C. R. No. 121—Suspending Joint Rules in order that S. B. No. 289 may be considered at any time.

The resolution was read.

On motion of Senator Jordan, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Bill 570 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, S. B. No. 570 was ordered not printed.

#### House Bill 1659 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1659 was ordered not printed.

#### House Bill 1687 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1687 was ordered not printed.

#### House Bill 1773 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1773 was ordered not printed.

#### House Bill 1834 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1834 was ordered not printed.

#### House Bill 575 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 575 was ordered not printed.

#### House Bill 760 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 760 was ordered not printed.

#### House Bill 1686 Ordered Not Printed

On motion of Senator Moore and by unanimous consent, H. B. No. 1686 was ordered not printed.

#### Senate Bill 289 on Second Reading

On motion of Senator Jordan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act creating and establishing a Department of Labor of the State of Texas, etc., and declaring an emergency."

The bill was read second time.

Senator Jordan offered the following Committee Amendment to the bill:

Amend S. B. 289 by striking all below the enacting clause and substituting the following:

SECTION 1. The following shall be known and may be cited as the Texas Department of Labor Act.

#### SUBCHAPTER A. SECRETARY OF DEPARTMENT OF LABOR

Sec. 1.01. Creation of Department of Labor. There is hereby created a Department of Labor of the State of Texas, herein designated as "the De-



partment" in which is vested the enforcement of laws protecting workers in their employment and providing for the prevention and adjustment of labor disputes, and rights and obligations of labor and management with respect thereto. The Department shall have its principal office and headquarters in the City of Austin, where all its records shall be kept.

Sec. 1.02. Secretary and Directors; Salaries. (a) Control of the Department is hereby vested in the Secretary of the Department of Labor, to be referred to in this Act as "the Secretary." The Governor shall, within thirty (30) days after this Act shall take effect, appoint a qualified resident of the State of Texas to be Secretary of Labor, subject to the advice and consent of the Senate of the State of Texas, to hold office until January 31, 1973; effective January 31, 1973, the Governor shall appoint a qualified resident as Secretary of Labor to serve for a term of two (2) years, by and with the advice and consent of the Senate of the State of Texas, and at the end of every two (2) years thereafter the Governor shall in like manner appoint a qualified resident to serve as Secretary of Labor. In appointing a resident to serve as Secretary of Labor, the following qualifications, among others, shall be considered: knowledge of laws pertaining to labor and management, experience in the field of labor-management relations, honesty and integrity, education, training and executive ability.

(b) The Secretary shall appoint such directors to be in charge of such divisions of the Department and to perform such duties as he may designate from time to time. Directors shall be selected on the basis of training, experience and qualifications for said position and shall have had at least five years active experience in the labor-management field.

(c) The Secretary and Directors shall draw annual salaries as fixed by the Legislature.

Sec. 1.03. Duties and Powers of the Secretary and General Powers of the Department. (a) The Secretary shall formulate plans and policies for enforcement of the laws which come within the cognizance of the Department under the provisions of this Act, and for the prevention and settlement of labor disputes, detection and apprehension of violators of such laws,

and education of the citizens of the state in the promotion of occupational safety, industrial peace, and related labor-management matters.

(b) The powers, duties, functions, responsibilities and authority heretofore granted the Commissioner of Labor Statistics and the Bureau of Labor Statistics by the laws of the State of Texas are hereby transferred to and vested in the Department.

(c) The Secretary shall establish and proclaim rules and regulations for conduct of the work of the Department as he may deem necessary; provided that such rules and regulations are not inconsistent with the provisions of this Act or other laws of this State. The Secretary shall keep and maintain records of all proceedings and official orders.

(d) The Secretary shall submit a biennial report of the work of the Department to the Governor and the Legislature with his recommendations. A quarterly statement containing an itemized list of all moneys expended, and for what purposes expended, shall be prepared by the Secretary, sworn to and filed in the records of the Department and a copy thereof shall be sent to the Governor.

(e) In addition to and cumulative of all existing remedies and means of effectuating and enforcing the laws with respect to which the Department is given powers, duties and authority by this Act, the Department, by and through the Secretary, is also empowered to institute and maintain civil suits in courts of competent jurisdiction for such injunctive and other relief that it deems appropriate. It shall be the duty of the Attorney General and the District and County Attorneys of this State, within their respective jurisdictions, to prosecute any and all criminal proceedings and to represent the Department in any and all civil proceedings herein authorized to be instituted and maintained by the Department.

(f) The Secretary shall be the executive officer of the Department and shall have authority to appoint, promote, demote, suspend and discharge all officers and employees of the Department. He shall issue and sign requisitions as provided by law for the purchase of supplies for the Department.

(g) The Secretary and each Director shall have power to issue sub-

poenas in the name of the Department and to take testimony in all matters related to the duties required of them and the Department, provided said testimony must be taken in the vicinity of the residence or office of the person testifying, unless taken in a formal hearing after due notice.

Sec. 1.04. Divisions of the Department. The Department shall be composed of the following five (5) divisions:

- (1) Division of Labor Statistics;
- (2) Division of Wages, Hours and Working Conditions;
- (3) Division of Safety, Inspection and Permits;
- (4) Division of Labor-Management Relations;

(5) Division of Labor and Employment Agencies;

and such other divisions as the Secretary may deem necessary and may establish to carry out the purposes of this Act. Each Division shall be under the direct supervision of a Director appointed by the Secretary and subject always to the general supervision and control of the Secretary. The personnel, property, equipment and records pertaining to labor statistics, now a part of the Bureau of Labor Statistics of the State of Texas, are hereby transferred to the Department and placed under the jurisdiction of the appropriate Division hereby created.

#### SUBCHAPTER B. DIVISION OF LABOR STATISTICS

Sec. 2.01. Duties and Powers of the Director, Division of Labor Statistics. (a) The Director of the Division of Labor Statistics shall collect, systematize and present in biennial reports to the Governor and the Legislature statistical details relating to all aspects of labor in Texas, especially as bearing upon the commercial, social, educational, and sanitary conditions of employees and their families, the means of escape from dangers incident to their employment, the protection of life and health in factories and other places of employment, the labor of women and children and the number of hours of labor exacted of them, and, in general, all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing, building and construction, and other productive industries of this State, and of the persons employed therein.

(b) The Director of the Division of Labor Statistics shall also, as fully as may be done, collect reliable reports and information from each county, showing the amount and condition of the mechanical, mining and manufacturing interests therein, and all sites offering natural or acquired advantages for the location and operation of any of the different branches of industry. He shall, by correspondence with interested parties in other parts of the United States and in foreign countries, impart to them such information as may tend to increase the employment of labor and the products of such employment in Texas; in this respect he shall cooperate and coordinate efforts with the Industrial Commission.

Sec. 2.02. Duties of Employers. Every owner, manager, and superintendent of every factory, mill, workshop, mine, store, business house, public or private works, or any other establishment or place where persons are employed at work, shall make to the Director, upon blanks furnished by him, such reports and returns as he may require for the purpose of securing such labor statistics as are contemplated by this subchapter. Such reports and returns shall be made under oath within sixty (60) days from receipt of the blanks furnished by the Director.

Sec. 2.03. Report of the Director. In each biennial report of the Department, the Director of the Division of Labor Statistics shall give a full statement of the business of the division since the past preceding report and such information as may be of value to the industrial interests and their employees, showing, among other things, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics and apprentices, the wages earned, the savings from the same, the age and sex of the persons employed, the number and character of accidents, the sanitary conditions of places where persons are employed, the restrictions put upon apprentices when indentured, the proportion of married employees living in rented houses, with the average rental paid, the value of property owned by such employees and a statement as to the progress made in schools of operation for the instruction of students in mechanical arts, and what systems have been found most practical. In the reports

made by the Department to the Governor and the Legislature, the names of persons, firms or corporations supplying information under any provision of this Act shall not be disclosed, nor shall any such name be communicated to any person not employed in the Department.

Sec. 2.04. Right of Visitation. Upon his failure to otherwise obtain information in accordance with the provisions of this subchapter, the Director of the Division of Labor Statistics or his duly authorized representatives shall have the right and power to enter any factory, mill, workshop, mine, store, business house, public or private works, or other place of employment when the same is open and in operation, for the purpose of gathering facts and statistics such as are contemplated by this subchapter, and for the purpose of examining the methods of protecting employees from danger, and the sanitary conditions in and around such building or place, of which a true and detailed record shall be made and returned to the Division.

#### SUBCHAPTER C. DIVISION OF WAGES, HOURS AND WORKING CONDITIONS

Sec. 3.01. Duties and Powers of the Director, Division of Wages, Hours, and Working Conditions. The Director of the Division of Wages, Hours, and Working Conditions shall have the power and authority, on behalf of and in the name of the Department, to exercise and carry out the duties, functions and responsibilities heretofore granted to and vested in the Commissioner of Labor Statistics and in the Bureau of Labor Statistics by the laws of the State of Texas as the same relate to wages, hours, and working conditions. The Director shall inquire diligently for violations of all such laws and is empowered to prevent any employers or other person from engaging in any violation thereof; he shall institute prosecutions and see that the same are carried out to final termination and shall generally see to the enforcement of the provisions of all such laws. In carrying out his powers and duties, the Director is authorized, upon approval by and in the name of the Secretary, to promulgate and issue such rules and regulations as may be deemed reasonably necessary to carry out the purposes of this subchapter.

#### SUBCHAPTER D. DIVISION OF SAFETY, INSPECTIONS AND PERMITS

Sec. 4.01. Duties and Powers of the Director, Division of Safety, Inspections and Permits. (a) The Director of the Division of Safety, Inspections, and Permits shall have the power and authority, on behalf of and in the name of the Department, to exercise and carry out the duties, functions, and responsibilities heretofore granted to and vested in the Commissioner of Labor Statistics and in the Bureau of Labor Statistics by the laws of the State of Texas as the same relate to safety, inspections, and permits.

(b) The Director of the Division of Safety, Inspections and Permits shall also have the power and authority, on behalf of and in the name of the Department, to investigate for violations of the duties, responsibilities and obligations imposed by Article 5182, Revised Civil Statutes of Texas, 1925. If he finds upon such investigation that said law is being violated, he shall be empowered to issue an order to the owner, general contractor, or other person who is failing or refusing to comply with such provisions, pointing out wherein said person is not complying and what acts shall be required to effectuate compliance.

(c) The Director of the Division of Safety, Inspections, and Permits shall inquire diligently for violations of all laws relating to safety, inspections and permits and is empowered to prevent any employer or other person from engaging in any violations thereof; he shall institute prosecutions and see that the same are carried to final termination and shall generally see to the enforcement of all such laws. In carrying out his powers and duties, the Director is authorized, upon approval by and in the name of the Secretary, to promulgate and issue such rules and regulations relating to safety and safe places of employment as may be deemed reasonably necessary to carry out the purposes of this subchapter.

#### SUBCHAPTER E. DIVISION OF LABOR-MANAGEMENT RELATIONS

Sec. 5.01. Duties and Powers of the Director, Division of Labor-Management Relations. (a) The Director of the Division of Labor-Management Relations shall have the power and

authority, on behalf of and in the name of the Department, to exercise and carry out the duties, functions and responsibilities heretofore granted to and vested in the Industrial Commission by Articles 5183-5190, Revised Civil Statutes of Texas, 1925, as amended; provided that such transfer shall not be construed to abolish the Industrial Commission as authorized by Article 5183, Revised Civil Statutes of Texas, 1925, as amended, nor to deprive the Industrial Commission of those duties and functions authorized by Chapter 319, Acts of the 55th Legislature, 1957, as amended (Article 5190½, Vernon's Texas Civil Statutes).

(b) The Director of the Division of Labor-Management Relations shall also have the power and authority, on behalf of and in the name of the Department, to investigate for violations of the duties, responsibilities and obligations imposed by the laws of the State of Texas as the same relate to labor-management relations. The Director shall inquire diligently for violations of all such laws and is empowered to prevent any employer or other person from engaging in any violation thereof; he shall institute prosecutions and injunctive proceedings and shall see that the same are carried to final termination and shall generally see to the enforcement of all such laws.

#### SUBCHAPTER F. DIVISION OF LABOR AND EMPLOYMENT AGENCIES

Sec. 6.01. Duties and Powers of the Director, Division of Labor and Employment Agencies. (a) The Director of the Division of Labor and Employment Agencies is hereby empowered to administer and enforce the Labor Agency Law, Chapter 234, Acts of the 51st Legislature, 1949, as amended (Article 5221a-5, Vernon's Texas Civil Statutes); and the Private Employment Agency Law, Chapter 245, Acts of the 51st Legislature, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), and to do all things therein required, and he is empowered, upon approval by and in the name of the Secretary, to promulgate and issue rules and regulations reasonably necessary to carry out the purposes of this Act.

(b) The Director is also empowered to make the investigations and rec-

ommendation required by Section A, Article 2.01 of the Texas Non-Profit Corporation Act (Article 1396-2.01, Vernon's Texas Civil Statutes).

(c) In each biennial report of the Department, the Director shall give a full statement of the business of the Division since the last preceding report, and he shall make such reports from time to time as the Department shall require.

Sec. 6.02. Investigation and Recommendation of Application for Charter. Whenever the Secretary of State of the State of Texas, pursuant to Article 2.01 of the Texas Non-Profit Corporation Act, shall refer to the Department, as successor to the "Labor Commissioner," notification that an application has been made to him to issue articles of incorporation to organize laborers, working men or wage earners, or to grant amendment to the charter of articles of incorporation of a corporation previously created to organize laborers, working men or wage earners or that may be created hereafter under the Texas Non-Profit Corporation Act to organize laborers, working men or wage earners, and upon request that an investigation and recommendation be made concerning such application, the Director of the Division of Labor and Employment Agencies shall forthwith, in accordance with such rules and regulations as he may promulgate and issue providing for fair notice and hearing to the interested parties, make an investigation and recommendation thereon to the Secretary of State; provided that no investigation or recommendation shall be required of applications from farmers for articles of incorporation.

#### SUBCHAPTER G. GENERAL PROVISIONS

Sec. 7.01. Violations. If the Director of any Division shall learn of any violation of the laws affecting employees, including, but not limited to, employment of children, fire escapes, the safety of employees, the preservation of health, or any other factor affecting employees, he shall at once give written notice of the facts to the appropriate enforcement officers.

Sec. 7.02. Judicial Review. Any person or organization aggrieved by an adverse investigation or recommendation of the Secretary or of the Director of any Division of the Depart-

ment of Labor may within thirty (30) days after date of issuance of said recommendation, and not thereafter, appeal such decision to the District Court of Travis County, and the trial thereon shall be de novo and tried as any other civil action. If the person or organization who is aggrieved shall, within ten (10) days after the date of issuance of said recommendation, give to the Director and to the Secretary of State notice in writing of his intention to appeal said recommendation, action by the Secretary of State on said recommendation shall be stayed and suspended for a period of thirty (30) days, but unless such appeal shall be filed within said time, the action of the Director shall be final and the Secretary of State is authorized to act in accordance therewith. If an appeal from the recommendation of the Director shall be filed within said time, action by the Secretary of State thereon shall remain stayed and suspended until the validity of the recommendation shall be adjudicated by the court on said appeal.

Sec. 2. The powers, duties, functions and responsibilities heretofore granted and vested in the Commissioner of Labor Statistics and in the Bureau of Labor Statistics by Articles 5677-5679, Revised Civil Statutes of Texas, 1925, are hereby transferred to and vested in the Commissioner of Agriculture of Texas.

Sec. 3. REPEALER CLAUSE. All laws and parts of laws in conflict herewith and Chapter 1, Title 83, Revised Civil Statutes of Texas, 1925, as amended, which is supplanted by the provisions of this Act, are hereby repealed.

Sec. 4. SEVERABILITY CLAUSE. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable, and the Legislature hereby states that it would have enacted such portions of the Act which can lawfully be given effect regardless of the invalidity of other provisions of the Act.

Sec. 5. EMERGENCY CLAUSE. The fact that the Bureau of Labor Statistics of the State of Texas has

not kept pace with the industrial growth of this State and needs to be replaced by the Department of Labor provided by this Act as soon as feasible and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Jordan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(Senator Creighton in Chair).

#### Motion to Place Senate Bill 289 on Third Reading

Senator Jordan moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 289 be placed on its third reading and final passage.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members present):

#### Yeas—17

Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Hall	Schwartz
Harrington	Wallace
Herring	Wilson
Jordan	

#### Nays—10

Aikin	Moore
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hightower	Word

#### Absent

Blanchard	Watson
Harris	

#### Absent—Excused

Christie

**Committee Substitute  
House Bill 6 on Second Reading**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 6, A bill to be entitled "An Act relating to prohibiting the sale or offer for sale of certain tires and prescribing a penalty; providing for the inspection of tires annually on certain motor vehicles; prohibiting the sale of certain regrooved tires and prescribing certain penalties; providing an effective date; amending Subsections (a), (b), and (h) of Section 140, Subsections (a), (b), (c), (d), and (e) of Section 141, Subsections (a) and (b) of Section 142, and adding Subsection (e) to Section 135, of Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to third reading.

**Committee Substitute  
House Bill 6 on Third Reading**

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

**House Bill 145 on Second Reading**

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 145, A bill to be entitled "An Act amending Chapter 21, Texas Insurance Code, by adding a new Article 21.49 authorizing and directing the State Board of Insurance to prescribe, adopt, promulgate, and enforce notice requirements for cancellation and nonrenewal of policies for general casualty insurance, fire insurance, and motor vehicle insurance, homeowners policies; providing for severability; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 145 on Third Reading**

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 145 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bates
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Beckworth	Kennard
Bernal	Kothmann
Blanchard	Mauzy
Bridges	McKool
Brooks	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

Message From the House

Hall of the House of Representatives

Austin, Texas,  
May 27, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 180, Requesting that the State Highway Department shall not construct any building on the land bounded by Congress Avenue, Colorado Street, 10th Street, and 11th Street in the City of Austin.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**House Bill 636 on Second Reading**

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 636, A bill to be entitled "An Act relating to the exemption from insurance laws of reciprocal or inter-insurance exchanges; amending Article 19.12, Texas Insurance Code, as amended; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 636 on Third Reading**

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 636 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Brooks
Bates	Connally
Beckworth	Creighton
Bernal	Grover
Blanchard	Hall
Bridges	Harrington

Harris	Patman
Herring	Ratliff
Hightower	Schwartz
Jordan	Sherman
Kennard	Snelson
Kothmann	Wallace
Mauzy	Watson
McKool	Wilson
Moore	Word

Absent—Excused

Christie

**House Bill 1671 on Second Reading**

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1671, A bill to be entitled "An Act relating to state purchasing procedures; etc.; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 1671 by striking out all of line 48 of the printed bill after the word "Board" and beginning with the word "complying" and all of lines 49 and 50 to and including the word "bid."

The amendment was read and was adopted.

On motion of Senator Word and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 1671 on Third Reading**

Senator Word moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1671 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Connally

Creighton	McKool
Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kennard	Watson
Kothmann	Wilson
Mauzy	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

**Conference Committee Report on House Bill 314**

Senator Moore submitted the following Conference Committee Report:

Austin, Texas,  
May 24, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 314, have met and adjusted our differences and beg leave to recommend that House Bill No. 314 be passed in the form attached hereto.

Respectfully submitted,  
MOORE  
SHERMAN



HARRIS  
CREIGHTON

On the part of the Senate.

COBB  
COATS  
ROSSON  
UHER  
CALHOUN

On the part of the House.

The Conference Committee Report was read and was adopted.

#### Record of Vote

Senator Hightower asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report.

#### House Bill 605 on Second Reading

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 605, A bill to be entitled "An Act amending Article 1722a, Texas Penal Code, as last amended by Chapter 180, Acts of the 61st Legislature, Regular Session, 1969, to provide for the registration of all motorboats; establishing fees; establishing numbering specifics; provide for safety equipment on all watercraft; clarify enforcement procedures; provide for markers on public waters; provide for the acceptance of federal grants; and declaring an emergency."

The bill was read second time.

Senator Kennard offered the following amendment to the bill:

Amend H. B. No. 605, Section 4, subsection (g), Identification Number, to read as follows:

"(g) Every certificate of number awarded pursuant to this Act shall continue in full force and effect for a period of two (2) years unless sooner terminated or discontinued in accordance with the provisions of this Act."

The amendment was read and was adopted.

Senator Kennard offered the following amendment to the bill:

Amend H. B. 605, Section 8, subsection (f), Classification and Required Equipment, to read as follows:

"(f) Every vessel shall carry at least one (1) life preserver, or life belt, or ring buoy, or other device, of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board, so placed as to be readily accessible. Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one (1) life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board."

The amendment was read and was adopted.

Senator Kennard offered the following amendment to the bill:

Amend H. B. 605, Section 27 by adding subsection (d) which reads as follows:

"(d) Fees for currently registered motorboats may be less than the full fee specified in Section 27(a) if the expiration date established by the Department is prior to March 21, 1974, for the purpose of initiating a two (2) year staggered registration period."

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 605 on Third Reading

Senator Kennard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 605 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Harrington
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kennard
Brooks	Kothmann
Connally	Mauzy
Creighton	McKool
Grover	Moore
Hall	Patman

Ratliff	Wallace
Schwartz	Watson
Sherman	Wilson
Snelson	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 525 on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 525, A bill to be entitled "An Act amending statutes relating to assessments on agricultural commodities, etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 525 on Third Reading**

Senator Blanchard moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 525 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Watson asked to be recorded as voting "Nay" on the final passage of the bill.

**House Concurrent Resolution 131  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, H. C. R. No. 131 was ordered not printed.

**Senate Concurrent Resolution 86  
Ordered Not Printed**

On motion of Senator Herring and by unanimous consent, S. C. R. No. 86 was ordered not printed.

**Senate Bill 419 Ordered Not Printed**

On motion of Senator Beckworth and by unanimous consent, S. B. No. 419 was ordered not printed.

**House Bill 1582 Ordered Not Printed**

On motion of Senator Hightower and by unanimous consent, H. B. No. 1582 was ordered not printed.

**House Bill 1582 on Second Reading**

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1582, A bill to be entitled "An Act relating to allowing private banks doing business in this state to apply and be accepted as state depositories; amending Articles 2526, 2527, and 2528, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 1582 on Third Reading**

Senator Hightower moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1582 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Present—Not Voting

Schwartz

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Present—Not Voting

Schwartz

Absent—Excused

Christie

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 27, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 51. House Conferees: Stroud, Lemmon, Atwood, Schulle, Bynum.

S. B. No. 768, A bill to be entitled "An Act amending Statutes relating to the Private Detective Act; etc.; and declaring an emergency."

(With amendment.)

H. B. No. 979, A bill to be entitled "An Act to amend Article 978f-3a, Section 1, Penal Code, increasing number of members of Parks and Wildlife Commission to nine (9) members; and declaring an emergency."

S. B. No. 887, A bill to be entitled "An Act relating to creating the office of district attorney for the 26th Judicial District; repealing Article 322a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act relating to the establishment of a state school in the Fort Worth-Dallas area for the mentally retarded; and declaring an emergency."

All necessary rules suspended, and the Conference Committee Report on Senate Bill No. 357 adopted by a vote of 138 Ayes, 3 Noes.

The House refused to concur in Senate amendments to H. J. R. No. 82 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Clayton, Jungmichel, Pickens, Niland, Doran.

The House has concurred in Senate amendment to House Bill 199 by non-record vote.

The House has concurred in Senate amendments to H. C. R. No. 138 by non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 126

By unanimous consent, Senator Watson offered the following resolution:

S. C. R. No. 126, Authorizing House Enrolling Clerk to make certain corrections in H. B. No. 1657.

The resolution was read.

On motion of Senator Watson and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Bill 1265 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1265, A bill to be entitled "An Act in relation to a bank as custodian employed by a fiduciary and to property held by such custodian; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 1265 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1265 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Concurrent Resolution 131 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 131, Reconstituting the Committee for the Study of Land Use and Environmental Control.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 86 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 86, Providing for the creation of a Study Committee on Traffic Court Reorganization.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

#### House Bill 694 on Second Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 694, A bill to be entitled "An Act relating to the licensing of certain insurance agents and the license and appointment fees of certain insurance agents; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 694 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 694 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

## Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

## Present—Not Voting

Schwartz

## Absent—Excused

Christie

## House Bill 1567 on Second Reading

On motion of Senator Watson and by unanimous consent the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1567, A bill to be entitled "An Act amending Statutes, concerning the provision of a focal point for State Planning and Coordination; con-

tinuing the Governor as the Chief Planning Officer of the State; etc.; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following Committee Amendment to the bill:

Amend Sec. 2 of H. B. 1567 by adding a new subparagraph (10) to quoted subsection (f) thereof, to read as follows:

"(10) The Division of Planning and Coordination in its policies and rules for disbursement of federal and state funds for federal health care programs in which the State of Texas elects to participate, shall not discriminate against any of the healing arts by excluding any one of the healing arts professions licensed by this State, from participation in such health care programs when such healing arts profession is otherwise eligible for participation under federal laws."

The Committee Amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend House Bill 1567 by renumbering Section 3 and 4 as Section 4 and 5 and adding a new Section 3 to read as follows:

"Section 3. Amend House Bill No. 276, Acts of the 60th Legislature, Regular Session, 1967, Chapter 417 (Article 4413(32a) V. A. C. S.), by adding Section 5 and 6 to read as follows:

Sec. 5. The Texas State Department of Health is authorized to: (a) administer or supervise the administration of the State's comprehensive planning functions, (b) to receive and disburse federal and state funds for comprehensive State Health Planning functions, (c) to cooperate with other state agencies in the development of the Comprehensive Health Plan for the State, (d) to carry out the State's duties as required by Public Law 89-749, as amended, or as shall hereinafter be amended, and (e) as of the effective date of this Act, there shall be transferred to the Texas State Department of Health from the Office of Comprehensive Health Planning, all equipment, staff, inventory and financial resources.

Sec. 6. Nothing in this Act shall be construed to change, amend, or modify any existing state law regulating or regarding the present authority, duty or responsibility for planning of any state department or agency."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 1567 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1567 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### At Ease

The Presiding Officer announced at 4:00 o'clock p.m. that the Senate would stand At Ease until 4:20 o'clock p.m. today.

#### In Legislative Session

The Presiding Officer (Senator Creighton in Chair) called the Senate to order at 4:20 o'clock p.m. today.

#### Senate Bill 56 with House Amendments

Senator Word called S. B. No. 56 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the following House amendments before the Senate:

#### Amendment No. 1

Amend S. B. No. 56, Second Printing, page 1, line 41, Section (3) (1), by adding after the end of said line the following:

"Provided however, the person must meet, as a minimum, the resident requirement as defined by law for Texas Resident Tuition in fully state-supported institutions of higher education."

#### Amendment No. 2

Amend S. B. 56, Second Printing, by adding a new Sec. 4 and renumbering present Sec. 4 and all following sections accordingly, such new Sec. 4 to read as follows:

"Sec. 4. Any college or university receiving any benefit under the provisions of this Act, either directly or indirectly, shall be subject to all present or future laws enacted by the Legislature."

#### Amendment No. 3

Amend Sec. 4 of S. B. 56, Second Printing, by adding a new sentence at the end of Sec. 4 to read as follows:

"In no event shall a tuition equalization grant paid pursuant to this Act exceed the sum of six hundred Dollars (\$600.00) in behalf of any student during any one calendar year."

#### Amendment No. 4

Amend S. B. 56 by adding a new subsection (6) under Section 3 to read as follows:

(6) Not be a recipient of any form of athletic scholarship.

#### Amendment No. 5

Amend S. B. 56, 2nd Printing, Sec. 1, page 1, line 34, by adding after

the word "need" the following words "but not to exceed a grant amount of more than that specified in the appropriation by the Legislature."

#### Amendment No. 6

Amend S. B. 56, Second Printing by adding the following language to Section 2 after the period on line 39, to read as follows:

"Those riders in the General Appropriations Act that apply to state-supported colleges and universities shall also apply to any college or university to which any student receiving aid under this Act may attend."

#### Amendment No. 7

Amend Senate Bill 56, Second Printing, page 2, by adding the following in Section 6 after the word "Act." on Line 3:

"The Coordinating Board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51 and other parts of the Texas Constitution."

#### Amendment No. 8

Amend Senate Bill 56, Second Printing on Page 1 by striking the period at the end of Section 2, on Line 39 and adding the following:

", and which do not discriminate in admissions or employment by virtue of sex, race, color, creed or national origin."

The House amendments were read.

Senator Word moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on S. B. No. 56 before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment by the President of the following conferees on the part of the Senate on the bill: Senators Word, Hall, Hightower, Watson and Jordan.

#### Messages From the Governor

The following message received from the Governor was read and filed with Secretary of the Senate:

May 27, 1971.

TO THE MEMBERS OF THE 62ND LEGISLATURE, REGULAR SESSION:

I am herewith returning to the Senate, Senate Bill No. 902, pursuant to the provisions of Senate Concurrent Resolution No. 123, for the purposes of making certain corrections therein.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

The following message received from the Governor was read and referred to the Committee on Nominations:

Austin, Texas,  
May 27, 1971.

TO THE SENATE OF THE SIXTY-SECOND LEGISLATURE:

I herewith request the consent of the Senate to recall the appointment of Richard Lee Penn, of Austin, Travis County, to be a member of the Industrial Accident Board, submitted to the Senate January 18, 1971.

Respectfully submitted,  
PRESTON SMITH,  
Governor of Texas.

#### House Bill 780 on Second Reading

On motion of Senator Watson and by unanimous consent the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 780, A bill to be entitled "An Act providing that a public school kindergarten may be operated on a half-day basis or a full-day basis at the option of the governing board of the school district; providing for the allocation of kindergarten classroom teacher units under the minimum foundation school program, etc.; and declaring an emergency."

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Amend House Bill No. 780 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1, Subchapter E, Chapter 21, Texas Education Code, is amended by adding a Section 21.135 to read as follows:

"Section 21.135. OPERATION OF KINDERGARTENS ON FULL-DAY OR HALF-DAY BASIS. A public school kindergarten may be operated on a half-day or a full-day basis at the option of the governing board of the school district.

Section 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to third reading.

#### House Bill 780 on Third Reading

Senator Watson moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 780 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Jordan	

Nays—1

Creighton

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Aikin, Blanchard, Moore, Creighton and Ratliff asked to be recorded as voting "Nay" on the final passage of the bill.

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 1299, To Committee on County, District and Urban Affairs.

H. B. No. 1739, To Committee on Water and Conservation.

#### House Joint Resolution 35 on Third Reading

Senator Wallace asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 35 for consideration at this time.

There was objection.

Senator Wallace then moved to suspend the regular order of business and take up H. J. R. No. 35 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Schwartz
Grover	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	



## Nays—3

Creighton                      Snelson  
Ratliff

## Absent—Excused

Christie

The Presiding Officer laid before the Senate on its third reading and final passage:

H. J. R. No. 35, Proposing an amendment to Section 2, Article VIII, Constitution of the State of Texas, authorizing the Legislature to provide a tax exemption for certain property owned by a disabled veteran and the surviving spouse and minor children of a disabled veteran.

The resolution was read third time and was passed by the following vote:

## Yeas—28

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

## Nays—1

Creighton

## Present—Not Voting

Snelson

## Absent—Excused

Christie

### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 174, To Committee on Youth Affairs.

H. C. R. No. 119, To Committee on Youth Affairs.

H. B. No. 1024, To Committee on State Affairs.

H. B. No. 979, To Committee on Parks and Wildlife.

## Senate Resolution 1412

By unanimous consent, Senator Bridges offered the following resolution:

S. R. No. 1412, Providing for the creation of an Interim Committee on problems of youth.

The resolution was read and was adopted.

## Report of Standing Committee

By unanimous consent, Senator Connally submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 979 (Floor report).

## House Bill 502 on Second Reading

Senator Harris asked unanimous consent to suspend the regular order of business and take up H. B. No. 502 for consideration at this time.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up H. B. No. 502 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Hightower
Bates	Kennard
Beckworth	Kothmann
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Schwartz
Creighton	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

## Nays—4

Grover	Ratliff
Mauzy	Snelson

## Absent

Bernal	Jordan
--------	--------

## Absent—Excused

Christie

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 502, A bill to be entitled "An Act relating to providing an exemption from the franchise tax for certain nonprofit corporations engaged in the business of owning residential property used as cooperative housing; amending Article 12.03, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 502 on Third Reading

Senator Harris moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Hightower
Bates	Kennard
Beckworth	Kothmann
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Schwartz
Creighton	Sherman
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

#### Nays—4

Grover	Ratliff
Mauzy	Snelson

#### Absent

Bernal	Jordan
--------	--------

#### Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—23

Aikin	Beckworth
Bates	Blanchard

Bridges	Kothmann
Brooks	McKool
Connally	Moore
Creighton	Schwartz
Hall	Sherman
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word
Kennard	

#### Nays—5

Grover	Ratliff
Mauzy	Snelson
Patman	

#### Absent

Bernal	Jordan
--------	--------

#### Absent—Excused

Christie

#### House Bill 979 Ordered Not Printed

Senator Connally asked unanimous consent that H. B. No. 979 be ordered not printed.

There was objection.

Senator Connally then moved that H. B. No. No. 979 be ordered not printed.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Harris
Bates	Hightower
Beckworth	Jordan
Bernal	Patman
Blanchard	Ratliff
Bridges	Schwartz
Brooks	Snelson
Connally	Watson
Hall	Word
Harrington	

#### Nays—6

Creighton	McKool
Grover	Sherman
Herring	Wallace

#### Absent

Kennard	Moore
Kothmann	Wilson
Mauzy	

#### Absent—Excused

Christie

**House Concurrent Resolution 180  
on Second Reading**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 180, Requesting that the State Highway Department shall not construct any building on the land bounded by Congress Avenue, Colorado Street, 10th Street, and 11th Street in the City of Austin.

The resolution was read.

Senator Word offered the following amendment to the resolution:

Amend H. C. R. No. 180 by striking the Resolved clause and substituting therefor the following:

"Resolved by the Senate of the State of Texas, The House of Representatives concurring, That it is the intent of the Legislature that the State Highway Department should re-evaluate its plans to construct any building on the site mentioned above and that it should consider that the site might be more acceptably developed, used, and maintained as a park, parking lot, and tourist information center, and that the Old Bakery be utilized as the tourist information center."

**WORD  
SCHWARTZ**

The amendment was read and was adopted.

The resolution as amended was then adopted.

**Senate Concurrent Resolution 127**

By unanimous consent, Senator Hightower offered the following resolution:

S. C. R. No. 127, Authorizing House Enrolling Clerk to make certain corrections in H. B. No. 156.

The resolution was read.

On motion of Senator Herring and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Resolution 1414**

By unanimous consent, Senator Schwartz offered the following resolution:

S. R. No. 1414, Providing for an Interim Committee on Privacy.

The resolution was read and was referred to the Committee on Administration.

**Bills and Resolutions Signed**

The Presiding Officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 166.

H. B. No. 78.

H. B. No. 211.

H. B. No. 729.

H. B. No. 227.

H. B. No. 1202.

H. B. No. 1235.

H. B. No. 1267.

H. B. No. 1721.

H. B. No. 1779.

H. C. R. No. 49.

H. C. R. No. 114.

**Motion to Place  
House Bill 1113 on Second Reading**

Senator Harris asked unanimous consent to suspend the regular order of business and take up H. B. No. 1113 for consideration at this time.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up H. B. No. 1113 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—8

Aikin	Grover
Bates	Harris
Beckworth	Snelson
Creighton	Word

Nays—13

Blanchard	Herring
Bridges	Jordan
Brooks	Kothmann
Connally	Moore

Patman  
Ratliff  
Schwartz

Sherman  
Wallace

**Absent**

Bernal	Mauzy
Hall	McKool
Harrington	Watson
Hightower	Wilson
Kennard	

**Absent--Excused**

Christie

**Senate Bill 289 on Third Reading**

Senator Jordan moved to suspend the regular order of business and the Constitutional Rule and Senate Rule 30 to take up S. B. No. 289 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Kennard
Bates	Kothmann
Beckworth	Mauzy
Bernal	McKool
Blanchard	Patman
Bridges	Schwartz
Brooks	Sherman
Hall	Snelson
Harrington	Wallace
Herring	Watson
Hightower	Wilson
Jordan	Word

**Nays—5**

Connally	Moore
Creighton	Ratliff
Grover	

**Absent**

Harris

**Absent—Excused**

Christie

The Presiding Officer laid before the Senate on its third reading and final passage:

S. B. No. 289, A bill to be entitled "An Act creating and establishing a Department of Labor of the State of Texas and transferring to that Department duties and functions of the Bureau of Labor Statistics and its Commissioner; etc.; and declaring an emergency."

The bill was read third time and was passed.

**Record of Votes**

Senators Blanchard, Creighton, Sherman, Grover, Snelson, Connally, Ratliff, Aikin, Word and Moore asked to be recorded as voting "Nay" on the final passage of the bill.

**Report of Standing Committee**

By unanimous consent, Senator Connally submitted the following report for the Committee on Parks and Wildlife:

H. B. No. 244 (Floor report).

**House Bill 244 Ordered Not Printed**

On motion of Senator Connally and by unanimous consent, H. B. No. 244 was ordered not printed.

**House Bill 244 on Second Reading**

On motion of Senator Connally and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 244, A bill to be entitled "An Act relating to persons not required to obtain a license to fish; etc.; and declaring an emergency."

The bill was read second time.

Senator Connally offered the following amendment to the bill:

Section 1, Section 2, Chapter 239, Acts of the 45th Legislature, Regular Session, 1957 (Article 4032-b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. No person under seventeen (17) years of age and no person over sixty-five (65) years of age shall be required to possess the license provided for in this Act. No persons who are residents of the Republic of Mexico and who are traveling in this country on a visa granted by the United States Government shall be required to possess a license to fish in the coastal waters of this State. No person, or member of such person's immediate family, shall be required to hold the license provided for in this Act when fishing upon property he owns or upon which he resides. No license shall be required of per-

sons fishing with trotline, throw line, or ordinary pole and line having no reel or other winding device attached when fishing in the county of his residence. No other fishing license shall be required of a person who holds a commercial fishing license issued in this State."

The amendment was read and was adopted.

On motion of Senator Connally and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 244 on Third Reading

Senator Connally moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 244 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 1213 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its

second reading and passage to third reading:

H. B. No. 1213, A bill to be entitled "An Act relating to election of the county auditor in certain counties; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following Committee Amendment to the bill:

Amend H. B. 1213 by striking the last sentence in Section 1 of the bill.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 1213 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 1213 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Christie

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Connally	Ratliff
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

## Absent—Excused

Christie

(President in Chair.)

**Motion to Place  
House Bill 303 on Second Reading**

Senator Hall asked unanimous consent to suspend the regular order of business and take up H. B. No. 303 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up H. B. No. 303 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

## Yeas—19

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	McKool
Bridges	Patman
Connally	Ratliff
Creighton	Watson
Hall	Wilson
Harrington	Word
Harris	

## Nays—10

Brooks	Moore
Grover	Schwartz
Herring	Sherman
Kennard	Snelson
Mauzy	Wallace

## Paired—1

Blanchard	Christie
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## PAIRED

Senator Blanchard (present), who would vote "Yea," with Senator Christie (absent), who would vote "Nay."

**Memorial Resolutions**

S. R. No. 1389—By Senator Watson: Memorial resolution for Mrs. Fred (Emelia) Haug.

S. R. No. 1390—By Senator Watson: Memorial resolution for Mrs. T. A. Stewart.

S. R. No. 1391—By Senator Watson: Memorial resolution for Louis Milton Ivey, Sr.

S. R. No. 1392—By Senator Watson: Memorial resolution for Henry Charles Sykora.

S. R. No. 1397—By Senator Blanchard: Memorial resolution for H. E. Hunt.

S. R. No. 1404—By Senator Watson: Memorial resolution for James Ira Brice.

S. R. No. 1405—By Senator Watson: Memorial resolution for Jerry J. Snokhous.

S. R. No. 1406—By Senator Watson: Memorial resolution for Harold Maurice Mitchell.

S. R. No. 1407—By Senator Watson: Memorial resolution for Cyril E. Isom.

S. R. No. 1408—By Senator Watson: Memorial resolution for Mrs. Tom (Frances) Hlavenka.

S. R. No. 1409—By Senator Watson: Memorial resolution for Leslie B. Gardner.

S. R. No. 1410—By Senator Watson: Memorial resolution for Mrs. Ida Laura Curtis.

S. R. No. 1411—By Senator Watson: Memorial resolution for Charles B. Caughlin, Sr.

**Welcome and Congratulatory  
Resolutions**

S. C. R. No. 124—By Senator Wallace: Extending congratulations to Veterans Administration Prosthetic Research for its outstanding achievements in the service of mankind.

H. C. R. No. 183—Commending the famed "Lost Battalion" on the memorable occasion of their 27th Reunion.

H. C. R. No. 176—Commending Earl W. Adams, Superintendent, Henderson Public Schools.

H. C. R. No. 179—Commending Joseph (Joe) Zeppa of Tyler, Texas.

H. C. R. No. 181—Commending each of the Family Physicians participating in the "Family Physician of the Day" Program, and Miss Vera Taylor, Registered Nurse.

S. R. No. 1386—By Senators Harrington, Herring and Hightower: Extending commendation to Vernon T. Sanford for his distinguished service to the State of Texas and the profession of journalism.

S. R. No. 1387—By Senator Christie: Extending happy birthday wishes to Laurel Taylor.

S. R. No. 1388—By Senator Blanchard: Extending commendation to Mrs. Jose Luz Ramirez for the dedicated service she rendered to tornado victims of Lubbock. (Amended.)

S. R. No. 1393—By Senator Blanchard: Extending commendation to Mrs. Louise Massey, named "Texas' Outstanding Clubwoman of the Year" by the Texas Federation of Women's Clubs.

S. R. No. 1394—By Senator Herring: Extending congratulations to coaching staff and Reagan Raiders football team, National High School Football Championship for 1970.

S. R. No. 1395—By Senator Bernal: Extending congratulations to Jimmy W. Fisher, recipient of the National Freedoms Foundation Teachers Medal.

S. R. No. 1396—By Senator Hall: Designating Steven Robert Bigham and Charlotte Leah Bigham as Honorary Senate Pages.

S. R. No. 1399—By Senator Watson: Extending welcome to Dr. Bob Plunkett.

S. R. No. 1401—By Senator Herring: Extending welcome to classes from Lockhart Elementary School.

S. R. No. 1413—By Senator Hightower: Extending commendation to Mrs. Philip A. Carpenter and the Fed-

eration of Women's Clubs on their 75th Anniversary.

### Adjournment

On motion of Senator Kennard the Senate at 5:40 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

### APPENDIX

#### Sent to Governor

May 27, 1971

S. B. No. 396

S. B. No. 948

S. B. No. 344

S. B. No. 838

S. B. No. 918

S. B. No. 969

S. B. No. 168

S. B. No. 709

S. B. No. 913

S. B. No. 549

S. B. No. 694

S. C. R. No. 123

### SEVENTY-SEVENTH DAY

(Friday, May 28, 1971)

The Senate met at 10:00 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	